RECIRCULATED INITIAL STUDY

MORRISON PARK RESIDENTIAL PROJECT

City of San José

March 2008

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FIGURES

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SECTION 1 INTRODUCTION AND PURPOSE

1.1 OVERVIEW

This Initial Study of environmental impacts is being prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 *et.seq.*) and the regulations and policies of the City of San José.

This initial study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed Morrison Park Residential Project.

1.2 PROJECT OBJECTIVES

The objectives of the project proponent are to:

1. develop market rate multi-family residential units in close proximity to transit and job centers in the City of San José; and
2. develop an economically viable project that is within the City's prescribed density range and provide a design within the density range that is compatible with the surrounding community and consistent with the applicant's product and marketing goals.

The objectives of the City of San José are for development of the site to be consistent with the San José 2020 General Plan and for development to further General Plan goals and strategies for housing and urban conservation/preservation. Conformation with the General Plan would be achieved by a project which:

1. creates higher density development with strong connections to existing and planned transit facilities;
2. complements and extends adjacent residential and commercial areas surround the project site; and
3. conforms with established service levels for traffic and other public services.

1.3 USES OF THE INITIAL STUDY

At this time, the City of San José anticipates that the following discretionary actions may need to rely upon this Initial Study:

1. Planned Development Zoning
2. Planned Development Permit
3. Tentative Map

SECTION 2 PROJECT INFORMATION

2.1 PROJECT TITLE

Morrison Park Residential Project

2.2 PROJECT LOCATION

The project site is located on the 300 block of Stockton Avenue, which is bounded by W. Julian Street, N. Morrison Avenue, Cinnabar Street, and Stockton Avenue in the City of San José. (see Figures 1 and 2)

2.3 PROPERTY OWNER/PROPONENT CONTACT

Morrison Park Homes, LLC
2500 El Camino Real
San Mateo, CA 94403

2.4 LEAD AGENCY CONTACT

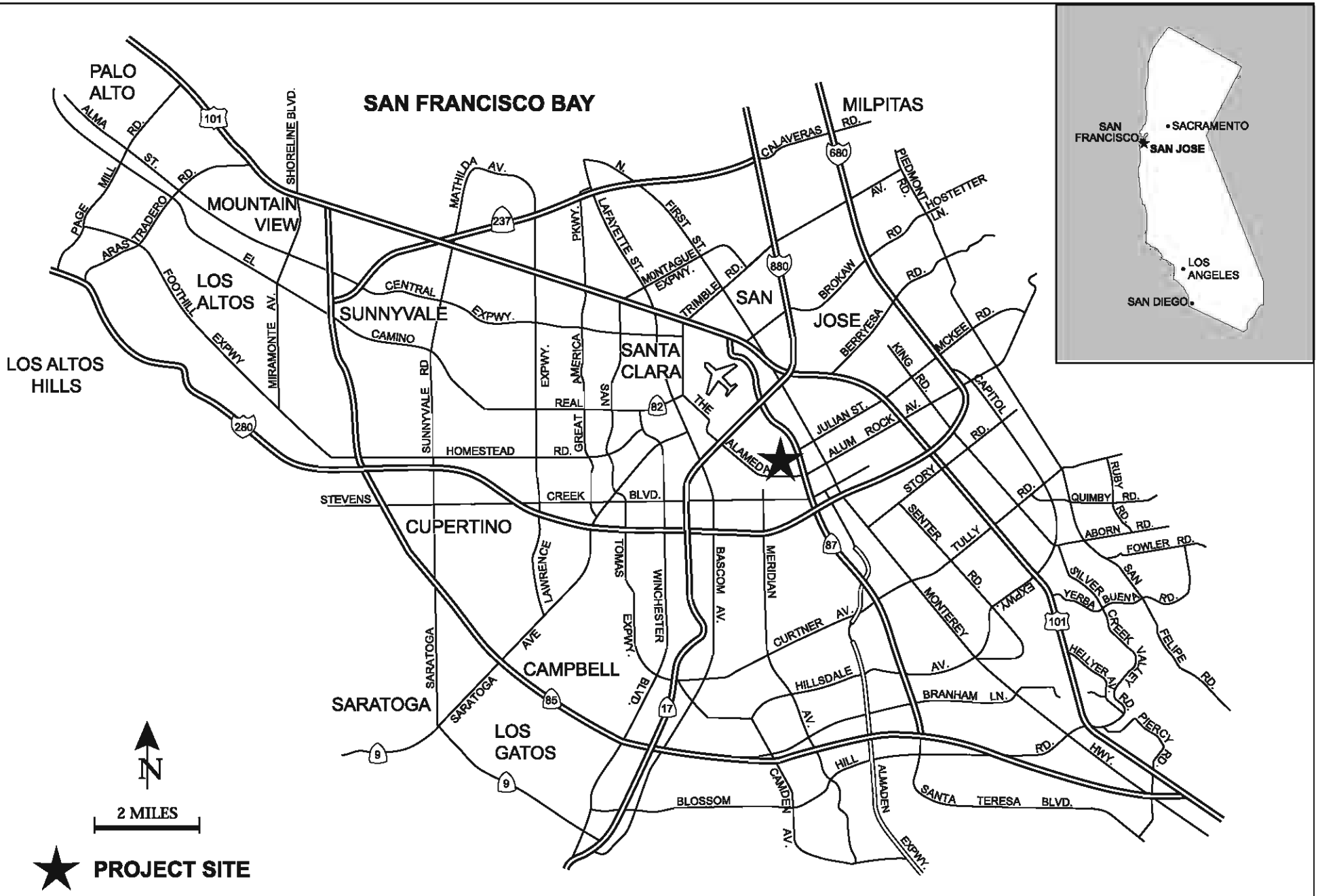
Licinia McMorrow
City of San José
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street
San José, CA 95113

2.5 ASSESSOR'S PARCEL NUMBER

261-01-039, 040, 041, 042, 043, 044, 049, 050, 051, 052, 053, 054, 085, and 086

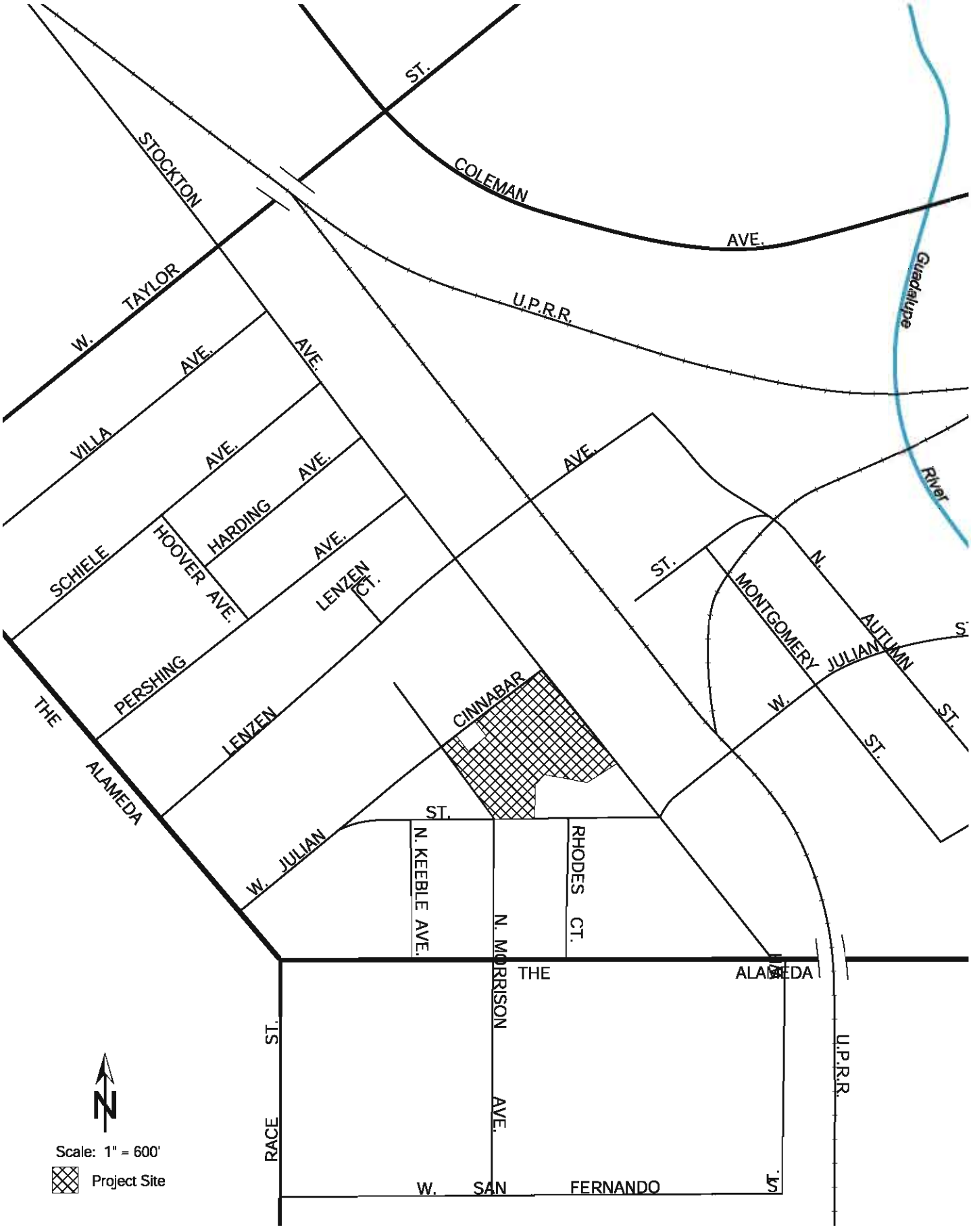
2.6 ZONING DISTRICT AND GENERAL PLAN DESIGNATION

The project site is designated *Residential Support for the Core (25+ dwelling units per acre)* and *Mixed-Use Overlay with no Underlying Land Use Designation* by the City of San José's General Plan and is zoned *LI – Light Industrial*.



REGIONAL MAP

FIGURE 1



VICINITY MAP

FIGURE 2

SECTION 3 PROJECT DESCRIPTION

The 4.44-acre project site is comprised of 13 parcels that are designated *Residential Support for the Core (25+ dwelling units per acre)* and *Mixed-Use Overlay with no Underlying Land Use Designation* under the City of San José's adopted General Plan and zoned *LI – Light Industrial*.

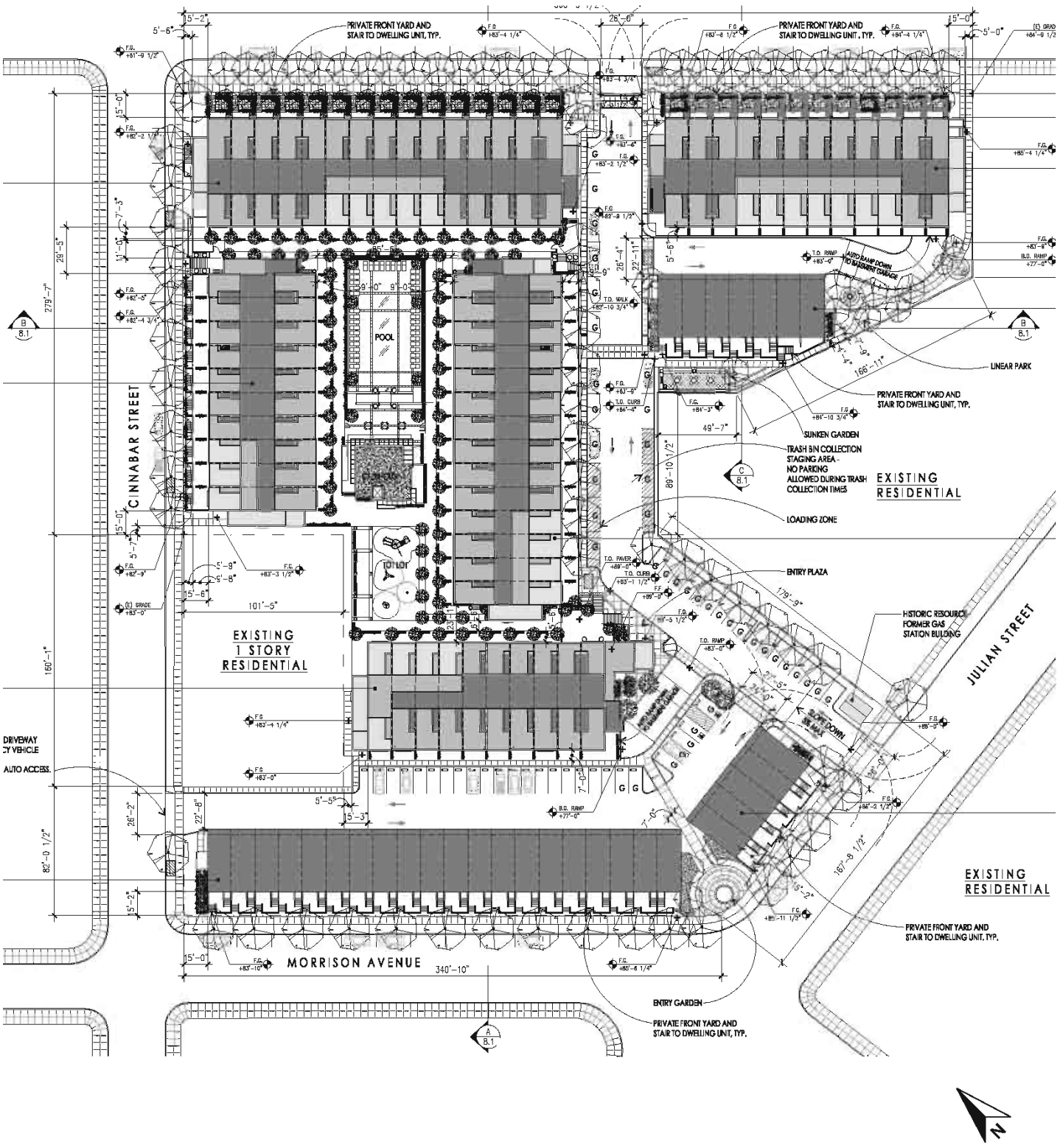
The project site is currently developed with 11 light industrial buildings totaling 34,531 square feet. The project proposes to rezone the site to allow for the demolition of the existing structures on the site and the construction of up to 250 attached condominiums and townhouses. The 250 dwelling units (56 DU/AC) will be for-sale units and will be comprised of 98 one-bedroom units, 96 two-bedroom units, 24 three-bedroom units, and 32 four-bedroom units. The units will range in size from 925 to 1,646 square feet. The buildings will be built approximately five feet above grade with a maximum height of 60 feet. The proposed residential units will be set back a minimum of 15 feet from the surrounding roadways. Figure 3 shows the proposed site plan.

The proposed project will have an area of common open space near the center of the site. The 25,000 square feet of common open space will include a 1,950 square-foot recreational common room, a tot lot, and a pool. Landscaping, including trees, shrubs, and walkways, is planned throughout the project site. In addition to the public open space areas of the site, the project includes a total of 58,440 square feet of private yards, patios, and private rooftop terraces with an average of 234 square feet of private space per unit.

One of the buildings currently on-site is a former gas station located at the corner of Stockton Avenue and Cinnabar Street at 395 Stockton Avenue (see Section 4.5.1.3 for a complete description of this building). The project proposes to permanently relocate this structure to Julian Street on the right side of the main driveway and rehabilitate it to the Secretary of Interior Standards. The building will be utilized as a mailroom for a portion of the residential units.

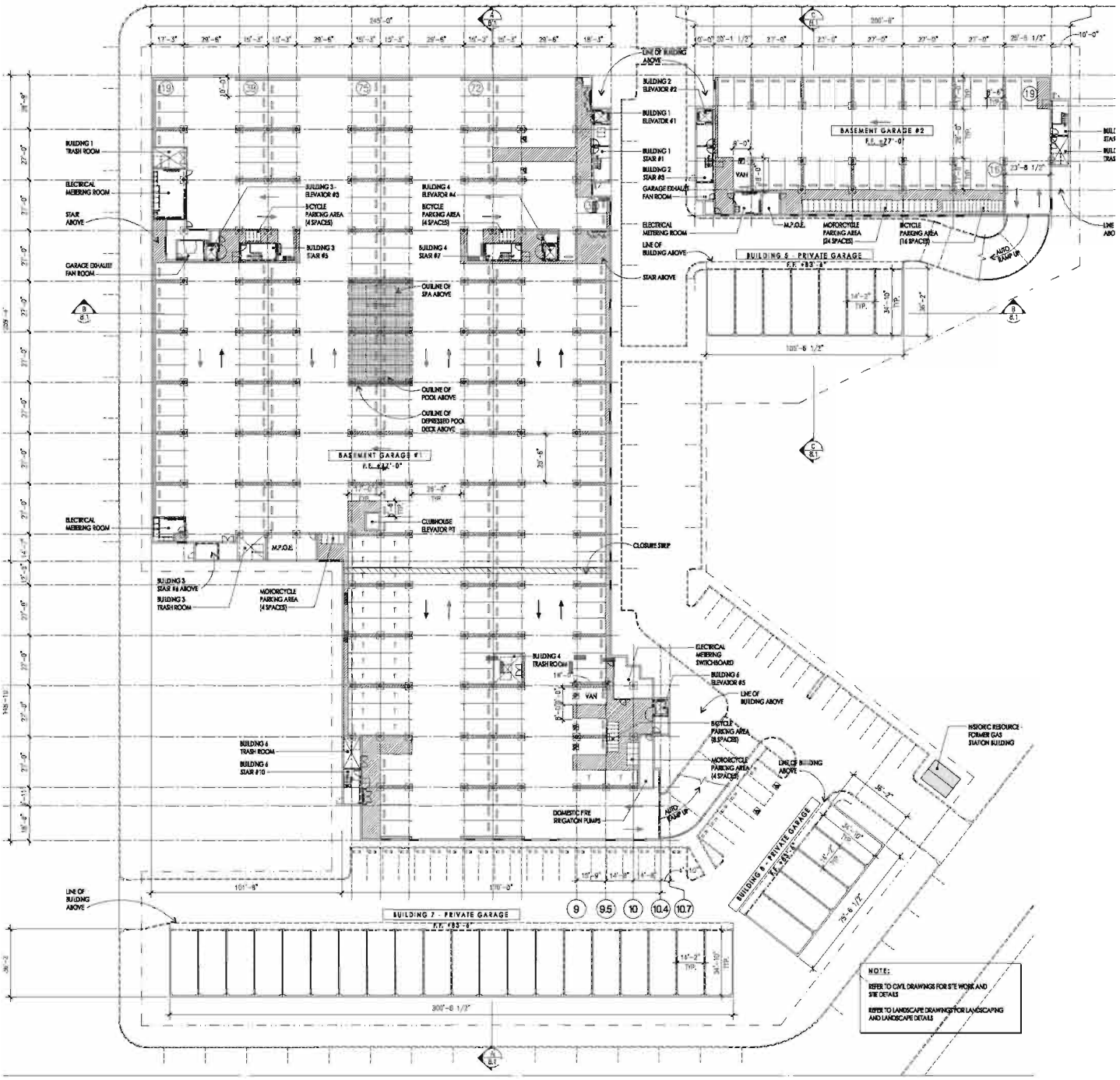
The project will provide a total of 397 parking spaces on the project site. Of the 397 parking spaces, 273 will be located in two single-level garages that will be partially below grade (approximately seven feet). Twenty-eight of the 273 parking spaces will be tandem. The garages will each be accessed by a single ingress/egress driveway. The project will have a 26-foot wide drive aisle that runs from Julian Street to Stockton Avenue. Access into the larger main parking garage will be from a ramp off of the main drive aisle. Access to the smaller secondary parking garage will be from a 24-foot wide drive aisle that intersects with the main drive aisle. (see Figure 4). The 32 four-bedroom units will have private two-car garages (for a total of 64 parking spaces). The remaining 60 parking spaces will be surface parking spaces throughout the site. Most of the surface parking will be located on the main drive aisle.

This Initial Study is intended to provide the environmental review to adopt the Planned Development Zoning and subsequent permits needed to implement the proposed project.



SITE PLAN

FIGURE 3



PARKING PLAN

FIGURE 4

SECTION 4 ENVIRONMENTAL SETTING & CHECKLIST

This section describes the existing environmental conditions on and near the subject site, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, was used to identify environmental impacts that could occur if the proposed project is implemented. The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of Section 4.17. This section identifies environmental impacts from the project, and an explanation for those adverse impacts determined to be less than significant. Mitigation measures are identified and described for all potentially significant impacts, and evaluated briefly for the expected effectiveness/feasibility of these measures, where necessary.

4.1 AESTHETICS

4.1.1 Setting

The project site is comprised of 13 parcels located within one city block that is defined by Stockton Avenue, Cinnabar Street, N. Morrison Avenue, and Julian Street. All four roadways are two-lane (one lane in each direction) roadways with no raised medians. Julian Street and Stockton Street are, however, wider than Cinnabar Street and N. Morrison Avenue, which are residential streets. All four roadways have sidewalks and are lined with mature street trees. The 13 parcels are developed with a variety of commercial and light industrial businesses and paved parking areas.

4.1.1.1 Project Site

On the Stockton Avenue frontage, the majority of the buildings are one-story warehouse style buildings. The occupied warehouse buildings are in fair to good condition, but have no landscaping or decorative elements (see Photos 1 and 2). In addition to the warehouse style buildings, there is also a two-story office building with a surface parking lot (see Photo 3) in good condition. The office building is stucco and glass with some landscaping and mature street trees. The office building has no discernable architectural style. A two-story commercial building that houses a bar with office space above is also located along the Stockton Avenue frontage (see Photo 4). The Renegades building is a wood-frame structure in poor condition. There is no landscaping around this building other than street trees and the property is littered with debris. The remaining property on Stockton Avenue is a small parcel that is no longer occupied. The parcel is surrounded by a six-foot chain link fence and contains a one-story storage building that is in a severe state of disrepair (see Photo 5).

The property located on the Cinnabar Street frontage is developed with a one-story warehouse style building that operates as a public storage facility. The building is in fair condition and there are some landscape trees and vegetation along the north property line. The parcel is surrounded by a six-foot chain-link fence topped with barbed wire (see Photo 6).

The parcels that front N. Morrison Avenue are developed with a large warehouse style building in fair condition and a surface parking lot. The site appears to be used for RV storage and is surrounded by a six-foot chain-link and slate fence that is topped with barbed wire (see Photo 7). There is no vegetation in this area of the project site other than a few street trees.

At the corner of N. Morrison Avenue and Julian Street is a small one-story wood-frame structure and a surface parking lot. The building appears to be a single-family house that was converted to an office (see Photo 8) and currently serves as the Chaplin's office for the San José Police Department. The building is well maintained with a few mature street trees around the property. The lot is surrounded by a six-foot tall chain-link fence. Adjacent to this lot on Julian Street is another one-story wood-frame single-family house with a detached two-car garage at the back of the property (see Photo 9). This building was formerly used as an office and is currently vacant. The house is in good condition with an abundance of mature landscaping including trees. There is a six-foot tall wrought iron fence surrounding the property.

4.1.1.2 Surrounding Land Uses

On the east side of Stockton Avenue, between Julian Street and Cinnabar Street, is the PG&E maintenance and service facility. The PG&E facility is comprised mostly of paved areas for parking and vehicle storage and a one-story stucco and glass building. The facility is somewhat obscured from the project site by raised landscape areas and mature street trees (see Photo 10).

On the north side of Cinnabar Street, between N. Morrison Avenue and Stockton Avenue, is the recently constructed Cinnabar Commons housing development. Cinnabar Commons is comprised of three-story, multi-family residential buildings on a podium (with below grade parking) that is approximately four feet above grade. The development is new and is in very good condition with new landscaping and street trees (see Photo 11). Adjacent to the Cinnabar Commons development are small one-story wood-frame single-family houses in good condition (see Photo 12). Most of the houses have mature landscaping. On the south side of Cinnabar Street, adjacent to the project site, are four small one-story wood-frame single-family houses. Three of the houses are in fair to good condition and the fourth house is in poor condition.

On the west side of N. Morrison Avenue is a large one-story warehouse style building in good condition that contains two automotive repair businesses (see Photo 13). There is no landscaping on this property and no street trees. Adjacent to the automotive repair shops is a one-story brick office building in good condition that is covered in very dense vegetation (see Photo 14).

On the south side of Julian Street there is a combination of one-story commercial/office buildings and one-story, wood-frame, single-family houses similar to those on Cinnabar Street. On the north side of Julian Street (adjacent to the project site) is another single-family house in good condition, a large one-story warehouse style building the mature landscaping in good condition, and a newly renovated two-story commercial/office building in very good condition with no landscaping and new street trees (see Photos 15 – 17).

Photo 1 - View of the project site, looking west from Stockton Avenue.

Photo 2 - View of the project site, looking west from Stockton Avenue.

PHOTOS 1 AND 2

Photo 3 - View of the project site, looking west from Stockton Avenue.

Photo 4 - View of the project site, looking southwest from Stockton Avenue.

PHOTOS 3 AND 4

Photo 5 - View of the project site, looking southwest from the corner of Stockton Avenue and Cinnabar Street.

Photo 6 - View of the project site, looking south from Cinnabar Street.

PHOTOS 5 AND 6

Photo 7 - View of the project site, looking east from N. Morrison Avenue.


Photo 8 - View of the project site, looking east from N. Morrison Avenue.

PHOTOS 7 AND 8

Photo 9 - View of the project site, looking north from Julian Street.

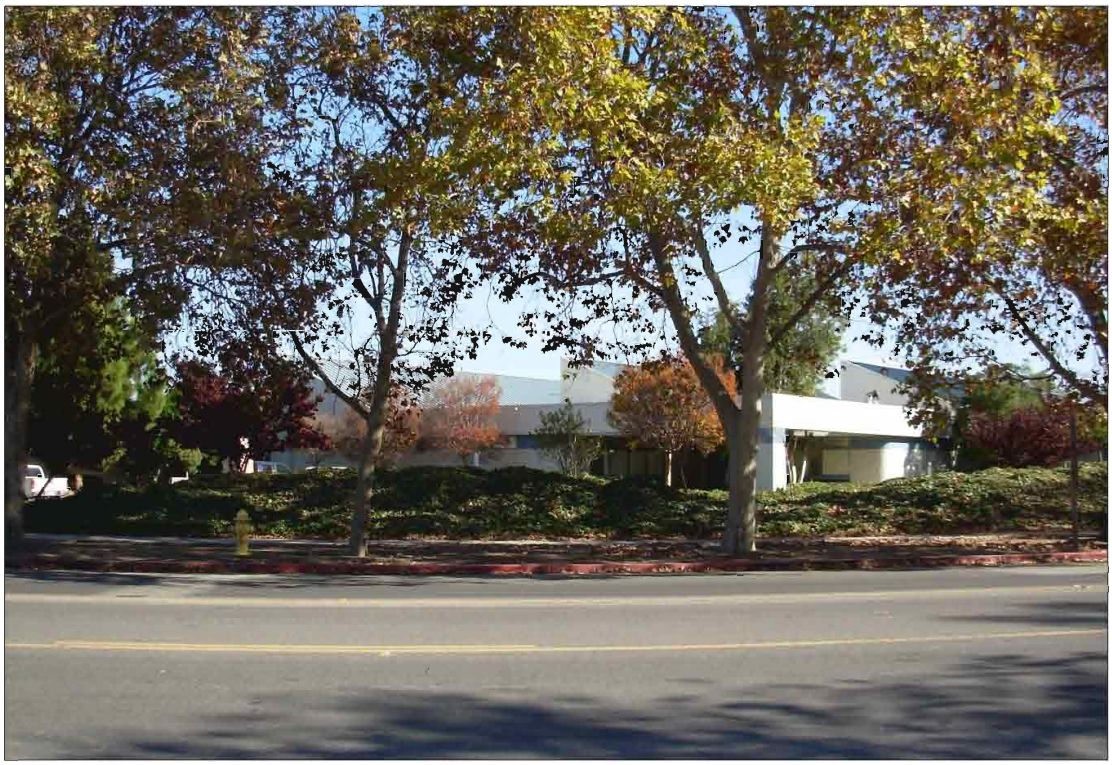


Photo 10 - View of the PG&E facility, looking east from Stockton Avenue.

PHOTOS 9 AND 10

Photo 11 - View of the Cinnabar Commons housing development, looking northeast from Cinnabar Street.

Photo 12 - View of a single-family house on the north side of Cinnabar Street, looking north from Cinnabar Street.

PHOTOS 11 AND 12

Photo 13 - View of the automotive businesses on the west side of N. Morrison Avenue, looking southwest from the corner of N. Morrison Avenue and Cinnabar Street.

Photo 14 - View of the office building at the corner of N. Morrison Avenue and Julian Street, looking west from N. Morrison Avenue.

PHOTOS 13 AND 14

Photo 15 - View of a single-family house on the north side of Julian Street, looking north from Julian Street.

Photo 16 - View of the single-story office building on the north side of Julian Street, looking north from Julian Street.

PHOTOS 15 AND 16

Photo 17 - View of the renovated office building at the corner of Stockton Avenue and Julian Street, looking west from Stockton Avenue.

PHOTO 17

4.1.2 Environmental Checklist and Discussion

AESTHETICS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	☐	1,2
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐	☐	1,2
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	☐	1,2
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐	☐	1,2

4.1.2.1 Aesthetic Impacts

The project is proposed on a developed site within an urban area that has no natural scenic resources. It is surrounded by commercial and office land uses and both single-family and multi-family housing. Implementation of the proposed project would remove the existing commercial and light industrial buildings on the project site and construct new multi-family housing. The visual character of the site will change with the project, as the new residential buildings will be taller than the existing building. Development of the site with new residential land uses would require that the site be landscaped and the architecture of the buildings to comply with the City's Residential Design Guidelines, including setbacks from the adjacent single-family residences. Lighting on the project site will comply with the City's Outdoor Lighting Policy and will be comparable in brightness to the ambient lighting in the adjacent neighborhood. For these reasons, the proposed project will not substantially degrade the existing visual character of the site and development of high density housing on the site will be compatible visually with the adjacent Cinnabar Commons development.

4.1.3 Conclusion

The project would have a less than significant impact on the visual character of the project area; it will not create significant additional sources of light or glare, and it would not impact any scenic resources. **(Less Than Significant)**

4.2 AGRICULTURAL RESOURCES

4.2.1 Setting

The project site is currently developed with 11 buildings, surface parking lots, and paved automobile storage areas. The site is located within an urbanized commercial and residential area of San José adjacent to downtown and is not used for agricultural purposes. The site is not designated by the California Resources Agency as Farmland of any type, and is not the subject of a Williamson Act contract. There is no property used for agricultural purposes adjacent to the project site.

4.2.2 Environmental Checklist and Discussion

AGRICULTURAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	☐	1,2
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐	1,2
3) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒	☐	1,2

4.2.2.1 Agricultural Impacts

The project site is not designated agricultural land and is located within a developed urban area with no agricultural land nearby. As a result, implementation of the proposed project would have no impact on agricultural land.

4.2.3 Conclusion

The project would have no adverse impact on agricultural land or agricultural activities. **(No Impact)**

4.3 AIR QUALITY

4.3.1 Setting

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain, and, for photochemical pollutants, sunlight.

The Bay Area typically has moderate ventilation, frequent inversions that restrict vertical dilution, and terrain that restricts horizontal dilution. These factors give the Bay Area a relatively high atmospheric potential for pollution.

The Bay Area Air Quality Management District (BAAQMD) monitors air quality at several locations within the San Francisco Bay Air Basin. The monitoring station closest to the project site is in downtown San José. As shown in Table 1, violations of state and federal standards at the downtown monitoring station during the 2004-2006 period include ozone and PM_{10} levels above the state standard. Violations of the carbon monoxide standard were recorded prior to 1992.

TABLE 1
Number of Ambient Air Quality Standards Violations and Highest Concentrations (2004 - 2006)

Pollutant	Standard	Days Exceeding Standard		
		2004	2005	2006
Ozone	Federal 1-Hour	0	0	n/a
Ozone	State 1-Hour	0	1	5
Ozone	Federal 8-Hour	0	0	1
Carbon Monoxide	State/Federal 8-Hour	0	0	0
Nitrogen Dioxide	State 1-Hour	0	0	0
PM_{10}	Federal 24-Hour	0	0	0
PM_{10}	State 24-hour	4	1	2
$PM_{2.5}$	Federal 24-Hour	0	0	6

Source: Bay Air Quality Management District, Bay Area Air Pollution Summary

The pollutants known to exceed the state standards in the project area are regional pollutants. Ozone and PM_{10} are both considered regional pollutants because the concentrations are not determined by proximity to individual sources, but show a relative uniformity over a region.

The Federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state where federal or state ambient air quality standards are not met as "nonattainment areas." Because of the differences between the national and state standards, the designation of "nonattainment area" is different under the federal and state legislation. Under the California Clean Air Act, Santa Clara County is a nonattainment area for ozone and PM_{10}. The county is either in attainment or unclassified for other pollutants.

4.3.2 Environmental Checklist and Discussion

AIR QUALITY	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	☐	1,2,5
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	☐	1,2,5
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☒	☐	☐	1,2,5
4) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	☐	1,2,5
5) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐	1,2,5

4.3.2.1 Project Impacts

Implementation of the proposed project would slightly increase the number of dwelling units within the City of San José. An increase in dwelling units typically results in an increase in traffic, which results in an increase in local and regional pollutant levels. The project proposes to construct up to 250 dwelling units. The Bay Area Air Quality Management District (BAAQMD) does not require project specific analysis for projects proposing less than 520 apartments/condominiums (which is expected to generate fewer than 2,000 daily vehicle trips). If a project does not exceed the threshold, it is typically assumed to have a less than significant impact on air quality. Nevertheless, an estimation of pollutants anticipated to be generated by the proposed project was calculated based on the BAAQMD CEQA Guidelines.

The proposed project will generate approximately 1,860 daily trips (see Section 4.15, *Transportation)*. The BAAQMD CEQA Guidelines has established the following significance thresholds for common pollutants:

- Carbon Monoxide (CO) – 550 pounds per day
- Nitrogen Oxides (NO_x) – 80 pounds per day
- Reactive Organic Gases (ROG) – 80 pounds per day
- Particulate Matter (PM_{10}) – 80 pounds per day

Based on the BAAQMD CEQA Guidelines, it is calculated that the project will generate 217.2 pounds per day (ppd) of CO emissions, 31.8 (ppd) of NOx emissions, 15.7 ppd of ROG emissions, and 12.4 ppd of PM10 emissions, which are all well below the established significance thresholds for

these pollutants. As a result, the proposed project will have a less than significant impact on local and regional air quality.

4.3.2.2 Construction Impacts

Proposed construction activities include demolition of the existing buildings, excavation, and grading of the site, which will generate dust and other particulate matter. Because of the proximity of sensitive receptors (i.e., nearby residents) dust control measures will be incorporated into the project.

Impact AQ-1: Construction of the proposed project would result in short-term air quality impacts associated with dust generation.

Mitigation: The BAAQMD has prepared a list of feasible construction dust control measures that the proposed project can implement to reduce construction related air quality impacts to a less-than-significant level. The following mitigation would be implemented during all phases of construction on the project site:

MM AQ1-1: Water all active construction areas at least twice daily or as often as need to control dust emissions.

MM AQ 1-2: Cover all trucks hauling soil, sand, gravel and other loose materials (including demolition debris) and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.

MM AQ 1-3: Sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.

MM AQ 1-4: Sweep public streets daily or as often as needed to keep streets free of visible soil material.

MM AQ 1-5: Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).

MM AQ 1-6: Replant vegetation in disturbed areas as quickly as possible.

MM AQ 1-7: If demolition debris is processed on-site (i.e., ground or crushed), additional dust control measures will be utilized to avoid all visible dust plumes leaving the site.

4.3.3 Conclusion

Implementation of the identified mitigation measures would reduce the temporary construction-related air quality impact to a less than significant level. **(Less Than Significant with Mitigation)**

The proposed project would have a less than significant long-term impacts on local and regional air quality. **(Less Than Significant)**

4.4 BIOLOGICAL RESOURCES

The following discussion is based, in part, on a tree survey prepared by *Deborah Ellis – Certified Arborist* in August 2006. A copy of the Arborists Report can be found in Appendix A of this Initial Study.

4.4.1 Setting

4.4.1.1 Existing Vegetation and Wildlife

The project site is located in a highly developed urban habitat. Urban habitats typically include street trees, landscaping, lawns and vacant lots, and provide food and shelter for wildlife able to adapt to the modified environment. The vegetation on the project site consists of landscape trees around the perimeter of the site. There are no sensitive habitats or special status plant or animal species on-site, due to lack of habitat to support them.

4.4.1.2 San José Tree Preservation Ordinance

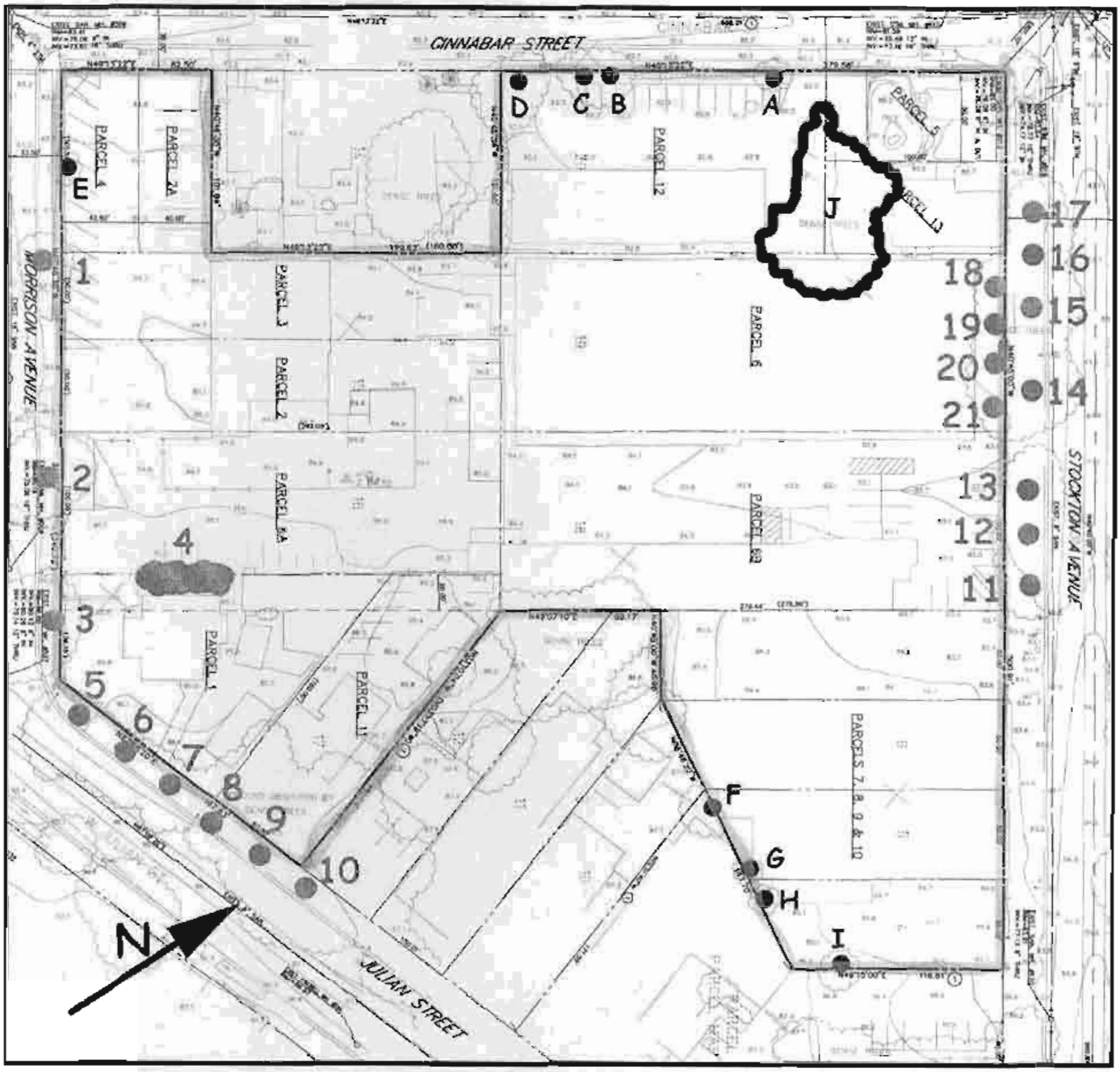
The City of San José Tree Removal Controls (San José City Code Section 13.31.010 to 13.32.100) protect all trees having a trunk that measures 56 inches or more in circumference (approximately 18 inches in diameter) at a height of 24 inches above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City of San José for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance can be designated as a Heritage Tree, regardless of tree size or species. It is unlawful to vandalize, mutilate, remove, or destroy such heritage trees. The City of San José typically requires that all trees on a given project site be inventoried and categorized according to size, species, and condition prior to issuance of any approval or permit for construction of any improvements.

The following table lists all trees identified on the site during the tree survey. Ordinance sized trees are designated in bold. The location of the trees is shown on Figure 5.

TABLE 2
Tree Survey

Tree Tag No.[1]	Common Name	Species	Diameter[2]	Overall Condition[3]
1	Tree of Heaven	*Ailanthus altissima*	11.1, 10.9	Poor
2	**London Plane**	***Platanus acerifolia***	**20.4**	**Fair to good**
3	**London Plane**	***Platanus acerifolia***	**22.7**	**Fair**
4	Italian Cypress	*Cupressus sempervirens*	20 x 5-10	Fair to good
5	**London Plane**	***Platanus acerifolia***	**24.9**	**Fair**
6	London Plane	*Platanus acerifolia*	15.3	Fair
7	London Plane	*Platanus acerifolia*	16.4	Fair
8	London Plane	*Platanus acerifolia*	14.4	Fair
9	London Plane	*Platanus acerifolia*	10.4	Fair to poor
10	**London Plane**	***Platanus acerifolia***	**23.2**	**Fair to good**
11	**London Plane**	***Platanus acerifolia***	**23.7**	**Fair to good**
12	**London Plane**	***Platanus acerifolia***	**22.2**	**Fair to good**

[1] Trees 2, 3, and 5-17 are street trees.
[2] Measured at 24 inches above grade.
[3] Overall condition was measured relative to the vigor and structure of the tree.



LEGEND:

- 1 - 21 Existing trees (tagged)
- A - J Existing trees inaccessible and not tagged (mostly weedy volunteers)

TREE SURVEY **FIGURE 5**

TABLE 2 *Continued* Tree Survey				
Tree Tag No.	**Common Name**	**Species**	**Diameter**	**Overall Condition**
13	**London Plane**	***Platanus acerifolia***	**21.4**	**Fair**
14	**London Plane**	***Platanus acerifolia***	**20.7**	**Fair to Good**
15	**London Plane**	***Platanus acerifolia***	**19.9**	**Fair**
16	London Plane	*Platanus acerifolia*	11.8	Fair
17	London Plane	*Platanus acerifolia*	9.5	Fair
18	European White Burch	*Betula pendula*	17.7	Fair to good
19	European White Burch	*Betula pendula*	16.8	Fair to good
20	London Plane	*Planatus acerifolia*	17.5	Fair
21	European White Burch	*Betula pendula*	12.2	Fair to good
Untagged Trees – Unable to Access (measurement are estimations)				
A	Sweet Gum	*Liquidambar styraciflua*	~ 14-16	
B	Sweet Gum	*Liquidambar styraciflua*	~ 15-16	
C	Sweet Gum	*Liquidambar styraciflua*	~ 15-16	
D	Sweet Gum	*Liquidambar styraciflua*	~ 11-12	
E	Almond		~ 4 x 4-5	Poor
F	Tree of Heaven	*Ailanthus altissima*	~ 4-6	Poor
G	Tree of Heaven	*Ailanthus altissima*	~ 4-6	Poor
H	Tree of Heaven	*Ailanthus altissima*	~ 4-6	Poor
I	Tree of Heaven	*Ailanthus altissima*	~ 6 x 4-5	Poor
J	Tree of Heaven/sweet gum/Italian cypress	*Ailanthus altissima/Cupressus sempervirens*	varies	Poor

Of the 31 trees on-site, nine are ordinance-sized. Twenty of the 31 total trees have been determined to be of average health or better. Nine of these 20 healthy trees are ordinance size and all would be suitable for preservation in place[4] or relocation on-site if the applicant proposed to do so. The remaining 11 trees have been determined to be of poor health. None of the trees on-site are dead. The 11 remaining trees would likely not survive relocation or preservation in place.

[4] Preservation in place refers to maintaining the tree in its current location and implementing standard protection measures for the tree during grading and construction to avoid damage or loss of the tree.

4.4.2 Environmental Checklist and Discussion

BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐	☐	1,2
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐	☐	1,2
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐	1,2
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☒	☐	☐	1,2
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐	☐	1,2,7
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐	☐	1,2

4.4.2.1 Raptor Impacts

The proposed project site is in a highly urbanized area and does not contain any habitat that would support endangered or special status species. The entire site is developed and it is unlikely that the site is utilized by raptors as foraging habitat. It is also unlikely that this site is used as nesting habitat, particularly since there is high quality habitat very close to the project site, including along the Guadalupe River and Guadalupe River Park.

Because of the low probability of the site being utilized by raptors and because there is high quality habitat within close proximity to the project site in which raptors could forage and nest, development of this site is would have a less than significant impact on raptors.

4.4.2.2 Tree Impacts

While 20 trees have been identified as suitable for preservation in place or relocation, the project does not propose to retain any of the existing trees on the site. Construction of the proposed project would result in the removal of nine ordinance sized trees and 22 non-ordinance sized trees on the project site. The project proposes the planting of replacement trees as part of the landscape plan in accordance with the City's standard tree replacement requirements.

Standard Measure: The project shall implement the following standard measure to avoid impacts to trees in accordance with City of San José Tree Removal Controls (San José Municipal Code Title 13 Chapter 13.32):

- All trees that are to be removed shall be replaced at the following ratios:

Table 3
Tree Replacement Requirements

Diameter of tree to be Removed	Native	Non-Native	Minimum Size of Each Replacement Tree
17.8 inches or greater (56.0 Inches Circumference)	5:1[5]	4:1	24-inch box
12 – 17.8 inches (37.7 – 56.0 Inches Circumference)	3:1	2:1	24-inch box
Less than 12 inches (Less than 37.7 Inches Circumference)	1:1	1:1	15-gallon container

- It is estimated, based on the site plan, that landscaping proposed by the project will include a sufficient number of trees to offset the loss of trees removed by the project. The species and exact number of trees to be planted on the site and on the street as part of the project will be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement at the development permit stage. In the event that the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented to the satisfaction of the Director of Planning, Building, and Code Enforcement, at the development permit stage:
  - The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
  - An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjoining properties for screening purposes to the satisfaction of the Director of Planning, Building, and Code Enforcement.
  - A donation of $300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

[5] X:X = tree replacement to tree loss ratio.

The project proponent will prepare the final landscape plan and submit it the Director of Planning, Building and Code Enforcement for approval prior to issuance of a Planned Development permit.

4.4.3 Conclusion

The project will have a less than significant impact on raptors. Removal of trees will be less than significant with implementation of the standard tree replacement measures. **(Less Than Significant)**

4.5 CULTURAL RESOURCES

The following discussion is based on an archaeological records literature review prepared by *Holman & Associates* in April 2006 and historic reports prepared by *Carey & Co.* in April 2007, July 2007, and October 2007. The literature review report can be viewed at the City of San José Department of Planning, Building and Code Enforcement. The historic reports can be found in Appendix B of this report.

4.5.1 Setting

4.5.1.1 Prehistoric Period

Prior to mission settlements, the Bay Area was occupied by Native Americans referred to as Ohlones or Costanoans. Artifacts pertaining to the Ohlone occupation of San José have been found throughout and around the downtown area, particularly near local waterways including the Guadalupe River (located approximately 2,062 feet east of the site). Based on a literature review of the project area, no prehistoric era archaeological sites have been recorded on or near the project site. The site is, however, considered to have a high probability of containing unknown buried prehistoric resources due to its proximity to the Guadalupe River and the fact that there was a small creek just north of the site prior to construction of the former Muirson Label and Crate Company.

4.5.1.2 Historic Period

The west side of Stockton Avenue was historically part of the grazing lands and fields of Mission Santa Clara until the 1830s. In 1844, the area was granted to James Alexander Forbes who created El Potrero de Santa Clara which included the project site. Forbes sold the ranch in 1847 to Commodore Robert F. Stockton. In the 1860s the Stockton Ranch was purchased by Charles B. Polhemus and Henry Newhall for the development of the railroad. By the late 19th century, Stockton Avenue was lined intermittently with two-story residences and undeveloped lands used for pasture.

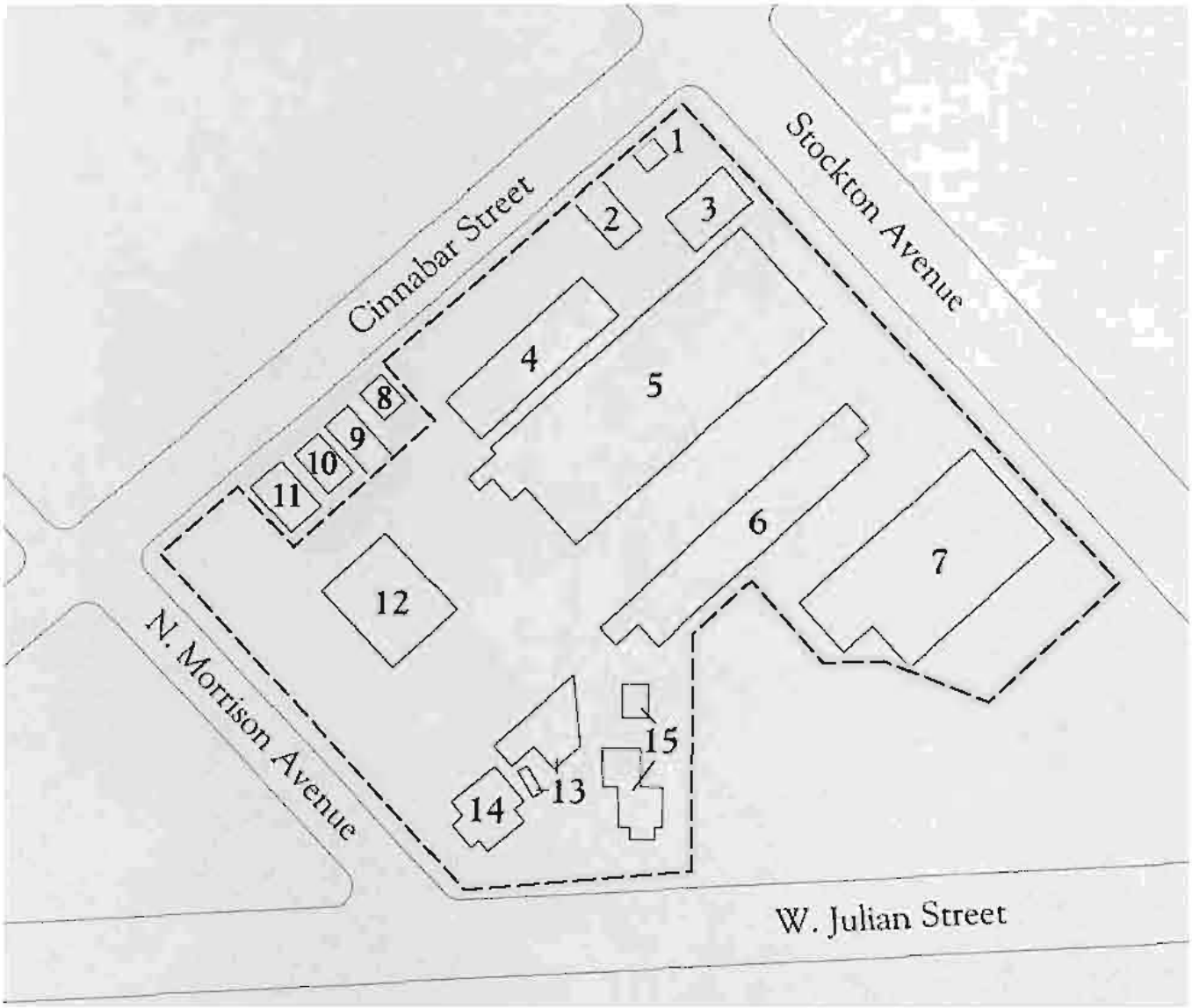
4.5.1.3 Buildings Currently on the Project Site

There are currently 11 buildings on the project site, the history (to the extent it is known) and condition of each building is described below. Figure 6 shows the location of the existing buildings.

Building 1 – 395 Stockton Avenue

Building 1 is a former gas station that is severely deteriorated. The structure is rectangular with a steel frame with metal cladding and a gabled metal roof. The sides of the structure are covered with a metal grid with several window openings. There are wooden doors on the northeast and southeast sides of the structure and wooden piers at the corners that support the partial remains of a projecting metal parapet above the existing roof structure. This parapet wraps around the rear and northwest façade's of the structure. The 1929 Sanborn maps show a canopy extending from the building's front façade (nearly doubling the building's footprint). A second canopy appears in the 1962 Sanborn maps. Neither of the two canopies are extent and the only remaining feature of the canopies is the metal parapet that wraps around three sides of the building's roof.

The structure is located on a corner lot and was used for a gas station in combination with another building on the southwest portion of the lot. Based on a review of the Sanborn maps, Buildings 1 and 2 (described below) appear to have been built in conjunction with an auto camp. The auto camp



EXISTING BUILDING LOCATIONS **FIGURE 6**

was comprised of two rows of small cottages extending southwest from Building 2. The auto camp was in operation through the mid-1960s. Other than Building 1 and 2, no structures associated with the former auto camp remain on-site (based on a review of the Sanborn Maps).

This building is rated a Structure of Merit based on the City of San José evaluation system. Based on the July 2007 historic report, it was determined that the building retained sufficient integrity to convey its historic significance was an early 20th century roadside gas station and potentially the oldest such structure in San José remaining on its original site to be eligible for the California Register. The October 2007 historic report, based on subsequent research, refuted the earlier findings that the building is eligible for the California Register. Due to the conflicting views of the building, the City taken the most conservative approach under CEQA and concluded that the building is eligible for the California Register. The building would not qualify for the National Register.

The estimated date of construction is 1922 – 1929.

Building 2 – 395 Stockton Avenue

Building 2 is a former automobile repair shop that was used in conjunction with Building 1. It is a wood frame building with a flat roof. Three fixed windows line the southwest side of the building, with an additional window on the northwest side. The main façade is open to the northeast and consists of three large garage door openings and some old light fixtures. The interior is a single open space with a concrete floor. The building has been abandoned for an extended period of time and is in a state of advanced deterioration.

As an undistinguished storage building, the structure would not quality for the City of San José Historic Resources Inventory, the California Register, or the National Register.

The estimated date of construction is 1922 – 1929.

Building 3 – 393 Stockton Avenue

Building 3 is a wood frame, stucco-clad structure with its main façade facing northeast, fronting Stockton Avenue. The front of the building consists of two lateral large window bays and two wood frame entry doors in the recessed center portion. The original doors and windows in the lower level are no longer extant, though most of the windows in the second story have survived. The second story of the main façade shows two groups of two double-hung multi-paned wood windows. Below these windows are four decorative triangular braces that may have formerly supported window boxes. The second level of the building is accessed by a staircase to the rear of the southeast façade. The northwest side of the building consists of several kinds of wood-framed windows which appear to have been added to the building at varying times. The condition of the building is poor. Until recently the building was occupied by the Renegades bar. The first floor of the building is now used for storage by the haunted attraction company Monster Magic and the second floor is a single two bedroom apartment. Building 3 first appears on a 1915 San born Map (updated to 1929).

While this structure is associated with the gay and lesbian community, the association is recent and would not contribute to the overall historical significance of the structure. This structure would not quality for the City of San José Historic Resources Inventory, the California Register, or the National Register.

The estimated date of construction is 1922 – 1929.

Building 4 – 840 Cinnabar Street

Building 4 is a steel frame shed with metal siding and a flat gabled roof made of corrugated metal. There are five garage doors on the northwest side of the building. The building was formerly occupied by Precision Frame and Axle Service. The interior is a single open space supported by large wood trusses. The condition of the building is very good. There is a parking lot to the northwest of the building.

This structure would not quality for the City of San José Historic Resources Inventory, the California Register, or the National Register.

The estimated date of construction is 1972 based on City of San José building permits.

Building 5 – 381 Stockton Avenue

This former cannery building is a wood frame structure with a rectangular plan. The building is approximately 200 feet by 75 feet, or 15,000 square feet. The original building is visible in the rear half of the structure. The front part, facing Stockton Avenue, has been covered with a reversible metal sheathing. The front façade has a line of dark glass windows and doors in metal frames. A large metal parapet rises above these windows, hiding the original gable shaped roof behind. The interior of the front of the building has been converted to office space under a dropped ceiling. At the rear of this front section, there is a staircase to a second level where some exposed parts of the original wooden roof structure are visible. The rear part of the building is wood and metal clad. The irregular-shaped roof, covered with a composite roof membrane, overhangs laterally and shows exposed roof rafters. The building has several sliding doors on the façades, including two large roll-up doors on the southeastern side and two smaller roll-up doors on southwestern side. All four doors were added after Air Systems, Inc. purchased the building in the 1980s. The two large doors replaced sliding doors with smaller openings. The interior is one open space that retains original wood truss construction and wood joints. A concrete wall with two large, double-sided fire doors separates the two halves of the building. The southern door remains unaltered, while the northern door has been significantly modified. Tenants of the front part of the building include Monster Magic, Red Planet Marketing, Executive Transportation Club and Blue Wave Holdings. Tenants of the rear portion are De Mattei Construction and antiques dealership Maynard Mansion. Their spaces are separated by 12-foot, non-original wall.

The condition of the building is good. All major components of the building, including the front façade windows and parapet, the sliding doors, the exterior metal sheathing, the roof, the wood truss and joints, and the central concrete wall are intact.

Building 5 may be considered a locally important historic resource due to its association with the Richmond-Chase Company (within the industrial and manufacturing context). This structure is eligible for the City of San José Historic Resources Inventory as a Structure of Merit. This structure would not qualify for the California Register or the National Register.

According to San José City records, Building 5 was constructed in 1941.

History of Building 5 – The Richmond-Chase Company

In 1919 Edmund Nutting Richmond and Elmer E. Chase formed the Richmond-Chase Company. By 1922, the company was the fourth largest cannery in the state employing thousands of people in the Santa Clara and San Joaquin Valleys.

Edmund Nutting Richmond (1880 – 1962), a San José native, began his career in the packing industry in 1897 with the J.K. Armsby Company in San José succeeding to district manager in 1904. In 1912 Richmond was president of the San José Board of Education and served as president of the San José Chamber of Commerce in 1912 and 1913. In 1916 he left the Armsby Company and opened his own operation called the E.N. Richmond. Richmond was involved in World War I aid activities, using his office to host two separate bond drives in 1917 and served on the National Food Industry Advisory Council under Secretary of Commerce Herbert Hoover. In 1919, Richmond served as vice-president of the San José Chamber of Commerce.

Elmer E. Chase (1861 – 1939) came to San José from Rochester, Minnesota at the age of 13. He became the plant manager for the Golden Gate Packing Company in 1907. The Golden Gate Packing Company was sold in 1918 and the following year Chase formed the Richmond-Chase Company with Edmund Richmond. While working at Golden Gate Packing Company, Chase helped develop a new City charter for San José, giving the City a commission form of government. In 1916 he was elected to the City Council and served as mayor of San José from 1916 to 1918. He also served as a chairman of the City's food supply committee during World War I. 1n 1919, Chase served as president of the San José Chamber of Commerce.

In 1920 the main office of the dried fruit operation was located at 64 W. Santa Clara Street with a plant at 74 Stockton Avenue. A second plant was in operation by 1925 at the corner of Cinnabar Street and Montgomery Street (two blocks from the project site). This second plant was later listed as 525 Cinnabar Street. By 1930, the plant at 74 Stockton Avenue was moved to 380 Stockton Avenue, directly across the street from the project site. The warehouse at 381 Stockton Avenue (Building 5 in the historic survey) was constructed in 1941. The Richmond-Chase main office moved in 1947 to 817 The Alameda, one block south of the project site. A third plant was added in 1952 and was located at 587 Cinnabar Street.

Presently, nothing remains of the former 380 Stockton Avenue or 525 Cinnabar Street plants or the main office at 817 The Alameda. A portion of the plant at 587 Cinnabar Street may now be part of the CBD Indoor Mini Storage facility (located at 570 Cinnabar Street), but the evidence was inconclusive. If it is the same building, the west side has been truncated and it has been reclad to match the larger warehouse structure to the north. Based on the existing verifiable evidence, the warehouse at 381 Stockton Avenue is the only known existing building from the Richmond-Chase Company. California Canners and Growers, who acquired the Richmond-Chase Company in 1963, shut down their San José operations in 1982. The warehouse at 381 Stockton Avenue was sold in 1986.

Building 6 – 381 Stockton Avenue

Building 6 consists of three sections that together form a long rectangular wood frame and wood truss building with wooden siding and a metal roof. Almost all the windows in the structure have been replaced with aluminum sliding windows. The interior of the section closest to Stockton Avenue has been converted into an office space with dropped ceilings and new partition walls. Most of the middle section of the building shows the original interior: an undivided open space with an

open wood truss roof construction. The northwest side of this section of the building is lined with a series of seven metal roll-up gates. Building 6 was used at one time as a garage facility by the Richmond-Chase Company. Building 6 now has several tenants, including Davis Motorsports and Maynard Mansion. TMC, Inc. also operates an office in the section of the building closest to Stockton Avenue. The condition of the building is good. The metal roof, wooden siding, windows, and roll up gates are all intact, as is the exposed wood truss in the middle section.

Because Building 6 is only loosely associated with the Richmond-Chase Company, the structure would not quality for the City of San José Historic Resources Inventory, the California Register, or the National Register.

The estimated date of construction is 1922 – 1929 for the front portion of the building and 1951 – 1958 for the back portion of the building.

Building 7 – 345, 355, 369, and 373 Stockton Avenue

This complex consists of two wood frame and stucco-clad structures that are connected to each other in the rear of the building mass. The whole complex faces Stockton Avenue and is covered by stucco. The larger building part to the southeast (355 Stockton, Mix International Auto Body) has a central entry door and two lateral rectangular metal windows. The original part of the building (the front half) has a gabled roof that is exposed inside as an open wood truss construction with smaller built-in office spaces and lines of vertical windows. The later rear addition has a flat roof with exposed ceiling joists and two rows of clerestory windows.

The building mass to the northwest (369 Stockton, John's Auto Upholstery) is of similar construction and has several wooden skylight windows in its open, exposed wood truss roof. The northwest side of the building is covered in corrugated sheet metal.

The main façade has a shallow tiled pent roof and, in front of 369 Stockton, the base of the façade is covered with rows of ceramic tiles. The condition of the buildings is fair. Parking spaces for the auto service shops line both sides of the building.

This building may be considered a locally important historic resource due to its association with Carl N. Swenson Company. This structure is eligible for the City of San José Historic Resources Inventory as a Structure of Merit. Based on the July 2007 historic report, it was determined that the building would qualify for the California Register under Criterion 2 for its association with San José developer Carl N. Swenson. The October 2007 historic report, based on subsequent research, refuted the earlier findings that the building is eligible for the California Register. Due to the conflicting views of the building, the City taken the most conservative approach under CEQA and concluded that the building is eligible for the California Register. The building would not qualify for the National Register.

The estimated date of construction is 1922 – 1930 for the Stockton Avenue storefronts and after 1966 for the remainder of the building.

Building 12 – 370 and 380 Morrison Avenue

Building 12 is a wood frame shed on wooden posts with metal siding and a flat gabled metal roof. Previously an open canopy, the siding was added after Air Systems, Inc. purchased the property. There are garage doors on the southwest and northeast sides of the building. Inside the open space

structure the large and older round wood posts are still in place. The wooden roof trusses were recently replaced. There is a large parking and open air storage space around the shed that can be accessed from Morrison or Stockton Avenue. Its condition is very good. The space is used to store large motor homes and other miscellaneous items.

This building, being recently constructed and of an undistinguished style, would not qualify for the City of San José Historic Resources Inventory, the California Register, or the National Register.

The estimated date of construction is after 1966.

Building 13 – 320 Morrison Avenue

Building 13 is a wood frame, stucco-clad building that has a gable roof with composition shingles. On the southwest end of the building there is a metal door and a wooden opening. Small offices and research facilities with dropped ceilings have been built inside the original open space with an open wood truss construction. The building is in good condition.

This building, being recently constructed and of an undistinguished style, would not qualify for the City of San José Historic Resources Inventory, the California Register, or the National Register.

The estimated date of construction is after 1966.

Building 14 – 320 Morrison Avenue

This Craftsman style residential building (originally a single-family house), located at the corner of N. Morrison Avenue and W. Julian Street, serves as the Chaplain's Office for the San José Police Department. The house first appears on an 1891 Sanborn map (updated to 1921), with an address of 102 N. Morrison Avenue. By the 1915 Sanborn map (updated to 1930), the address had been changed to 320 N. Morrison Avenue. The building is of wood frame construction with a gabled roof covered with composition shingles. Its main southwest façade is dominated by a projecting structure with a smaller separate low-pitched gable roof. Projecting triangular brace supports and exposed beams frame a group of windows. To the north of the west side, there is a bay window with fixed wood windows. The southeast side of the building is entirely covered with multi-paned wood windows whose original opening hardware is still visible. The interior of the building has undergone significant modification (dropped ceilings, new flooring, new openings) and was converted into a modern office space. The condition of the house is good.

This craftsman style structure would not qualify for the City of San José Historic Resources Inventory. Were the structure to be relocated to a compatible area, it could quality for the City's Historic Resources Inventory[6]. Relocation would not make this structure eligible for the California Register or the National Register.

The estimated date of construction is 1901 – 1921.

Building 15 – 931 Julian Street

This Craftsman style residential building (originally a single-family house) faces W. Julian Street. It is of wood frame construction with a flat gabled roof. A closed entry porch projects south of the

[6] Personal Communication, Sally Zarnowitz, City of San José Historic Preservation Officer, June 15, 2007.

building. The entry section has a separate gabled roof and, like the main section of the building, has exposed triangular brace supports. The large windows around the house vary between multi-paned fixed wood windows and double-hung windows. The lower portions of the main façade have been covered with layers of bricks. The interior has been significantly modified, with only parts of the original kitchen surviving. To the north of the building, there is a separate garage of wood frame construction and simple wood siding. The condition of the buildings is good. This building formerly served as an office for Attorney Services, who left in March of 2006.

This craftsman style structure would not qualify for the City of San José Historic Resources Inventory. Were the structure to be relocated to a compatible area, it could quality for the City's Historic Resources Inventory[7]. Relocation would not make this structure eligible for the California Register or the National Register.

The estimated date of construction is 1901 – 1921.

4.61.2.2 Definitions of Historic Resources

California Register of Historic Resources

In September 1992, Assembly Bill 2881 was signed which created more specific guidelines for identifying historic resources during the project review process under CEQA. Consequently, under CEQA Section 21084.1, a historic resource eligible for the California Register would, by definition, be a historic resource under CEQA. A historic resource listed in or determined to be eligible for the National Register is, by definition, also eligible for the California Register.

In order for a resource to be eligible for the California Register, it must satisfy all of the following three criteria (A, B, & C).

Criteria A. A property must be significant at the local, state, or national level, under one or more of the following four "Criteria of Significance":

1. The resource is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history and cultural heritage of California or the United States.

2. The resource is associated with the lives of persons important to the nation or to California's past.

3. The resource embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.

4. The resource has the potential to yield information important to the prehistory or history of the state or the nation.

Criteria B. The resource retains historic integrity. Integrity is defined as the authenticity of a property's physical identity, evidenced by the survival of characteristics that existed during the property's period of significance.

[7] Personal Communication, Sally Zarnowitz, City of San José Historic Preservation Officer, June 15, 2007.

Criteria C. The resource is 50 years old or older (except in rare cases of structures of exceptional significance).

National Register of Historic Places

A resource is considered eligible for the National Register if the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and

1. that are associated with events that have made a significant contribution to the broad pattern of our history; or

2. that are associated with the lives of persons significant to our past; or

3. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

4. that have yielded, or may be likely to yield, information important in prehistory or history.

City of San José Criteria

The San José General Plan states that: "Because historically or archaeologically significant sites, structures and districts are irreplaceable resources, their preservation should be a key consideration in the development review process" (City of San José, 1994). According to the City of San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), a resource qualifies as a City Landmark if it has "special historical, architectural, cultural, aesthetic or engineering interest or value of an historical nature" and is one of the following resource types:

1. An individual structure or portion thereof;
2. An integrated group of structures on a single lot;
3. A site, or portion thereof; or
4. Any combination thereof. (Sec. 13.48.020.C)

The ordinance defines the term "historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature" as deriving from, based on, or related to any of the following factors:

1. Identification or association with persons, eras or events that have contributed to local, regional, state or national history, heritage or culture in a distinctive, significant or important way;

2. Identification as, or association with, a distinctive, significant or important work or vestige:
    a Of an architectural style, design or method of construction;
    b. Of a master architect, builder, artist or craftsman;
    c. Of high artistic merit;
    d. The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;
    e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or

f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant or uniquely effective.

3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists. (Sec. 13.48.020.A) The ordinance also provides a definition of a district: "a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development." (Sec. 13.48.020.B) Although the definitions listed are the most important determinants in evaluating the historic value of San José resources, the City of San José also has a numerical tally system that must be used in identifying potential historic resources. The "Historic Evaluation Sheet" requires resources to be rated according to visual quality/design; history/association; environment/context; integrity; reversibility; interior quality and conditions; and NRHP/CRHR status. A points-based rating system is used to score each building according to the extent to which it meets the criteria listed above. The final tallies are broken into three categories:

   - Candidate City Landmark (CCL): 67-120 points
   - Structure of Merit (SM) and/or Contributing Structure (CS): 33-66 points
   - Non-Significant (NS)/Non-Contributing (NCS): 0-32 points

According to the City of San José's *Guide to Historic Reports*, a City Landmark is "a significant historic resource having the potential for landmark designation as defined in the Historic Preservation Ordinance. Preservation of this resource is essential." The preservation of Structures of Merit "should be a high priority" but these structures are not considered significant resources for the purposes of CEQA.

4.5.2 Environmental Checklist and Discussion

CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:	☐	☐	☒	☐	☐	1,2,8
1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?						
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☒	☐	☐	☐	1,2,8
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	☐	1,2,8
4) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐	☐	1,2,8

In addition to the thresholds listed above, a significant impact would occur in the City of San José if the project would demolish or cause a substantial adverse change to one or more properties identified as a City Landmark or a Candidate City Landmark in the City's Historic Resources Inventory.

4.5.2.1 Prehistoric and Historic Archaeological Resource Impacts

Although there are no recorded prehistoric archaeological deposits on the site, the project site is situated in an area of high archaeological sensitivity, near a small prehistoric creek (directly north of the site) and Guadalupe River. Therefore, future development under the proposed project could result in the exposure or destruction of subsurface prehistoric archaeological resources. This is considered a significant impact.

There are no recorded historic archeological sites on the project site. Prior to development of the current industrial/commercial land uses, however, there were houses along the eastern boundary of the project site. Because of the historic land use of the project site, historic resources could be located on the project site that could yield significant information about farming and the early development of San José during the mid-19th and early 20th centuries. Therefore, future development under the proposed project could result in the exposure or destruction of subsurface historic archaeological resources. This is considered a significant impact.

Impact ARCH-1: Implementation of the proposed project could result in the destruction of unknown prehistoric and historic subsurface archaeological resources.

Mitigation and Avoidance Measures: The project proposes to implement the following mitigation and avoidance measures:

MM ARCH 1-1: Site clearing, grading and all other ground disturbing construction activities will be monitored by a qualified archaeologist. If historic/prehistoric artifacts or human remains are discovered during ground disturbing activities, the following measures will be implemented:

- In compliance with state law (Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code), in the event human remains are encountered during grading and construction, all work within 25 feet of the find will stop and the Santa Clara County Coroner's office will be notified. If the remains are determined to be Native American, the Coroner would notify the Native American Heritage Commission to identify the "Most Likely Descendant" (MLD). The City, in consultation with the MLD, would then prepare a plan for treatment, study and reinterment of the remains.
- In compliance with state law (Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code), in the event that historical artifacts are found, all work within 50 feet of the find will stop and a qualified archaeologist will examine the find. All significant artifacts and samples recovered during construction would be cataloged and curated by a qualified archaeologist and placed in an appropriate curation facility. The archaeologist must then submit a plan for evaluation of the resource to the City of San José Department of Planning, Building and Code Enforcement for approval. If the evaluation of the resource concludes that the found resource is eligible for the California Register of Historic Resources, a mitigation plan must be submitted to the City of San José Department of Planning, Building and Code Enforcement for approval. The mitigation plan must be completed before earthmoving or construction activities can recommence within the designated resource area.

4.5.2.2 Historic Building Impacts

California and National Registers

None of the buildings on the project site appear eligible for either the National Register of Historic Places. Buildings 1 and 7 were determined eligible for the California Register of Historic Resources based on findings presented in the July 2007 historic report. The October 2007 historic report, based on subsequent research, refuted the earlier findings that the buildings are eligible for the California Register. Due to the conflicting views of these buildings, the City taken the most conservative approach under CEQA and concluded that Buildings 1 and 7 are eligible for the California Register.

While all but two of the buildings are more than 50 years old, age alone does not designate a structure as historically significant. Buildings 1, 5, and 7 are clearly the most important historical structures on the site.

Building 1 (395 Stockton Avenue)

Based on archival research presented in the July 2007 historic report, Building 1 appears eligible for the California Register under Criterion 1 as a structure that is associated with events that have made a significant contribution to he broad patterns of local or regional history, or cultural heritage of California or the United States. The July 2007 report found that the structure was not eligible under Criterion 2, 3, or 4.

Based on archival research presented in the October 2007 historic report, Building 1 does not appear to be eligible for the California Register under Criterion 2 or 4. While Building 1 can be linked to the early history of the automobile under Criterion 1 for its association with the automobile-driven development of San José in the early 20th century and Criterion 3 as a particularly early type of roadside gas station, it lacks sufficient integrity to convey its historical significance. This structure does retain integrity of setting and location since it has not been moved and it has been surrounded by the same two buildings since its construction. Other aspects of the building's integrity including design, materials, workmanship, feeling and association have been compromised by the wholesale removal of several features that would otherwise identify the building as a gas station. These elements include:

- The removal of the canopy that formerly extended from the buildings front façade
- The removal of the gasoline pumps
- The painting of all the buildings glass panes and the breakage or removal of several panes

Absent these elements, the remaining structure's historic use is unclear.

This structures significance is further reduced by the presence of three other historic gas stations in San José. These three gas stations are located at 50 East Julian Street, 301 East Julian Street, and History Park (formerly located at West Julian and Market Street)[8]. Relative to these three structures, Building 1 is neither the oldest gas station on its original site nor the best preserved example of a particular style or era of gas station design.

[8] A full description of these three buildings can be found on page 20 of Appendix B.

Because this building lacks sufficient integrity to convey its historic significance as an early 20th century gas station, it is determined not eligible for listing in the California or National Register.

Building 5 (381 Stockton Avenue)

While the Richmond-Chase Company was a major cannery in the state of California, Building 5 was a warehouse separate from the cannery's main plants nearby. Edmund Richmond and Elmer Chase were important figures in the history of San José; however, no evidence could be found linking them to broader state or nationwide significance. Moreover, Building 5 was constructed after Elmer Chase's death in 1939. Therefore, Building 5 is not eligible for the California or National Registers.

Building 7 (355 Stockton Avenue)

Based on archival research presented in the July 2007 historic report, Building 7 appears eligible for the California Register under Criterion 2 for its association with San José developer Carl N. Swenson who is "a person/organization of primary importance at the local level [who has] played a decisive and far reaching role in the development of San José as a community". The July 2007 report found that the structure was not eligible under Criterion 1, 3, or 4.

Based on archival research presented in the October 2007 historic report, Building 7 does not appear to be eligible for the California Register under Criterion 1, 2, 3, or 4. The building at 355 Stockton Avenue was occupied by general contracting firm Carl N. Swenson Company from 1931 to 1945. When it closed in 1986, the Carl N. Swenson Company was called "one of Santa Clara County's oldest, largest and most powerful construction companies", having built many of the area's important structures. The company's important works included San José City Hall (on First Street), the Santa Clara County Government Center, the San José Airport terminal, San José High School, and the Stanford Hospital of Medicine.[9]

Despite the association with the Carl N. Swenson Company, the building at 355 Stockton fails to satisfy California Register Criterion 1 or Criterion 2 because (1) the building itself played only a minor role in the Swenson Company's construction operations during its tenure as an office and (2) the vast majority of the notable buildings associated with the Swenson Company were constructed well after the firm had moved its office from 355 Stockton.

From 1931 to 1945, the Carl N. Swenson Company used the building at 355 Stockton primarily as a vehicle storage facility. Only a small office for two administrative staff persons was located at this site. Cal Swenson himself did not occupy office space at this location as the majority of the company's work was conducted in various "construction shack" office located on the respective project sites. The building at 355 Stockton played a secondary role to the firms actual planning and construction work. Furthermore, most of the work completed by the company at this time was outside San José and focused on military bases. Only two major projects from this period of the company have been identified; the De Anza Hotel (1931) and the library at San José State University (c. 1941, since demolished).

The building at 355 Stockton does not appear eligible for the California Register under Criterion 3 or 4 because it is a vernacular roadside industrial building of unremarkable design.

[9] Additional construction projects by the Carl N. Swenson Company are listed on page 22 of Appendix B.

Because this building has only a minor connection to the Carl N. Swenson Company and is of no particular architectural style, it is not eligible for listing in the California or National Register.

City of San José Historic Resources

Historic Evaluation Sheets were completed for each of the 11 buildings on the project site. Table 4 below shows the scores and ratings of each building.

Table 4
City of San José Historic Evaluation

Building No.	Score	Rating
1	51.3	Structure of Merit
2	5.61	Non-significant/non-contributing
3	14.2	Non-significant/non-contributing
4	11.0	Non-significant/non-contributing
5	52.28	Structure of Merit
6	21.71	Non-significant/non-contributing
7	53.76	Structure of Merit
12	4.0	Non-significant/non-contributing
13	3.0	Non-significant/non-contributing
14	20.54	Non-significant/non-contributing
15	23.54	Non-significant/non-contributing

Only Buildings 1, 5, and 7 appears eligible for historic designation as a City of San José Structure of Merit, with Historic Tally scores of 51.3, 52.28, and 53.76 respectively.

Building 1

Building 1 is eligible as a Structure of Merit as one of the oldest gas stations in San José remaining on its original location. This structure is representative of the first wave of automobile-driven growth and, as such, it satisfies City Criterion 1. In addition, the building's steel frame with metal cladding represents an important early type of gas station construction, which satisfies Criterion 2a. As discussed above, while the integrity of the building has been significantly compromised, it does retain certain important structural elements.

While this building only qualifies as a Structure of Merit the City has concluded that the building is a locally significant historic resource. This building is proposed to be relocated on the project site and rehabilitated to the Secretary of the Interior's Standards for historic structures. As a result, the proposed project will have a less than significant impact on Building 1.

Building 5

As discussed above, Building 5 is eligible for the City of San José Historic Resources Inventory for two main reasons, both of which fall within City criterion 1. First, the building was part of one of the oldest and largest cannery operations in San José from its construction until 1963. Second, the founders and owners of the cannery operation are important individual figures in the history of San José. Specifically, they are "persons of secondary importance," which the City of San José Guidelines for Historic Reports defines as individuals who "have played a major or leading (but not decisive) role in the development of San José as a community or a decisive role in the development

of a particular neighborhood or of a particular ethnic group or segment of the community." It should be noted, however, that Elmer Chase was already deceased when the warehouse was constructed. In general, the integrity of Building 5 is good. The building has retained integrity of location, and while the integrity of the building's setting has been partially compromised by the removal of the Richmond-Chase Company plant at 380 Stockton, the building is still surrounded by a mix of small houses and low-lying industrial buildings, as it was historically. The main factors compromising the building's integrity are the various modifications that were made to the northeastern half of the building in converting it to office space: new windows, new exterior cladding, dropped ceilings, and carpeted flooring. Except for the windows, however, these factors appear to be easily reversible. The building's materials and overall design remain. In particular the wooden trussing and the workmanship it conveys remains in place throughout the building. Even with the latter-day modifications, the building is clearly a warehouse structure from the early to mid-twentieth century, and retains integrity of feeling and association.

This building is not eligible for the National or California Registers, and while it is a locally important historic resource due to its association with the Richmond-Chase Company it only qualifies as a City of San José Structure of Merit. As a result, demolition of Building 5 would not result in a significant impact under City of San José criteria.

Building 7

The building at 355 Stockton Avenue is eligible for consideration as a Structure of Merit in the City of San José. While the buildings integrity has been compromised by many non-historical alterations including a rear addition, replacement of the original front façade windows with larger window openings, and the closing off of the south elevation with metal siding, the building was associated with the Carl N. Swenson Company.

While this building only qualifies as a Structure of Merit the City has concluded that the building is a locally significant historic resource. As a result, demolition of this structure would be a significant impact.

Other Buildings on the Project Site

Six of the buildings in the project area (Buildings 2, 3, 6, 12, 14 and 15) are more than fifty years old and thus could potentially be historic. Each of these buildings, however, received City tally sheet scores less than 32 points. The remaining two buildings were constructed after 1966 (so they are less than 45 years old) and also scored below 32 points on the City's historic evaluation. Since the project site is not part of a recognized or potential historic district or conservation area, this means that they should be considered "non-significant" structures and do not qualify for the City of San José Historic Resources Inventory. The loss of these buildings, therefore, is a less than significant impact.

Buildings Adjacent to the Project Site

There are currently four single-family houses located on Cinnabar Street adjacent to the project site. These four houses (850 Cinnabar, 870 Cinnabar, 890 Cinnabar, and 910 Cinnabar) are all more than 50 years old and, while not located on the project site, were also analyzed as part of the Historic Resources Evaluation. Based on the City of San José rating criteria, only 870 Cinnabar scored high enough (34.04) to qualify as a Structure of Merit.

While the proposed project will surround the aforementioned houses on three sides, the project will not affect the integrity of setting of these houses. Historically, these houses have been located directly adjacent to light industrial and commercial businesses with little to no setbacks between the land uses. The proposed project will construct multi-family housing with minimum setbacks of 10 feet. Therefore, the project will not encroach on these adjacent properties and will not impact the setting these houses have occupied over the last 80+ years.

Mitigation Measures: The following mitigation measures are proposed to reduce the impact to Building 7 (355 Stockton Avenue) to a less than significant level:

- *Relocation of Building 7 to an Identified Compatible Site*: Appendix H of this Initial Study includes criteria for compatible receiver sites for this structure and identifies several compatible receiver sites meeting the specified criteria. The project developer shall relocated Building 7 to a compatible receiver site that fully meets all the criteria specified in Appendix H. All relocation and rehabilitation activities shall be conducted by the project developer in accordance with the *Secretary of the Interior's Standards for Rehabilitating a Historic Property*. The City will identify triggers in the Planned Development Permit for this project for the timing of receiver site entitlements for relocation, for the relocation activity, and for final occupancy permits for the rehabilitation work.

- *Relocate to an Undetermined Site*: Appendix H of this Initial Study identifies possible available sites at this point in time that appear to meet the specified compatible receiver site criteria set forth in Appendix H. It is recognized that some of these currently available sites may come off the market and become unavailable to the project developer, and that additional sites that meet the compatible receiver site criteria could become available. In that event, the project developer can propose relocation of Building 7 to a site not identified in Appendix H that meets the specified criteria for compatible receiver sites. If the project developer is not able to relocate Building 7 pursuant to and in accordance with the mitigation measure described in the preceding paragraph, then the project developer shall relocated the Building to a compatible receiver site that fully meets all of the criteria specified in Appendix H pursuant to the provisions of this paragraph. This measure would require additional evaluation, review, and environmental clearance by the City in the context of the entitlements for the receiver site. All relocation and rehabilitation activities shall be conducted by the project developer in accordance with the *Secretary of Interior's Standards for Rehabilitating a Historic Property.* The City will identify triggers in the Planned Development Permit for this project for the timing of receiver site entitlements for relocation, for the relocation activity, and for final occupancy permits for the rehabilitation work.

- *Retain on Original Site*: In the event the project developer is ultimately unable to gain control of a compatible receiver site, the project shall retain Building 7 at its original location on-site. Demolition of the rest of the buildings could proceed and the project ultimately built with Building 7 in place with a sufficient buffer area providing a setback from new residential development. In this event, the zoning regulations will allow continued industrial or commercial use of Building 7, subject to issuance of a Planned Development Permit. All rehabilitation activities shall be conducted by the project developer in accordance with the *Secretary of Interior's Standards for Rehabilitating a Historic Property.*

Standard Measures: The following standard measures could be included in the project as conditions of approval to address the loss of a building identified as eligible of Structure of Merit status:

- Historic Report and Archival Photo Documentation: 35mm photography of structures and sites eligible for listing on the City of San José Historic Resources Inventory as Structures of Merit. Photographs will consist of selected black and white views of the building to the following standards:

    - Cover Sheet – The documentation shall include a cover sheet identifying the photographer, providing the address of the building, common or historic name of the building, date of construction, date of photographs, and descriptions of the photographs.
    - A bond copy of the Historic Report for the building
    - View – Perspective view: front and other elevations. All photographs shall be composed to give primary consideration to the architectural and/or engineering features of the structure with aesthetic considerations necessary, but secondary.
    - Other Technical Considerations – The camera used must be a 35 mm with black and white film (tri-X, Plus-x, or T-Max is recommended). No soft focus lenses are allowed. Lenses may include normal focus length, wide angle, and telephoto. The photographer has a choice of filters, but use of a polar screen is encouraged. Sunlight is preferred for exteriors, especially the front façade. Light overcast days, however, may provide more satisfactory lighting for some structures. Finally, all areas of the photograph must be in sharp focus.

- Submission of Photo Documentation: Two copies of the documentation, including the original prints and negatives, shall be submitted to the Historic Preservation Officer for approval and distribution to History San José and the Northwest Information Center at Sonoma State University. Digital photos may be provided as a supplement to, but not in place of, the above referenced photo documentation. Digital photography must be recorded on a CD and shall be submitted with the other documentation. The photo documentation shall be accompanied by a transmittal stating that the documentation is submitted in fulfillment of standard measures for the loss of the historic resources which shall be named and the address stated.

- Professional Qualifications: The documentation is to be conducted by a qualified consultant meeting the professional qualifications standards of the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation.*

- Relocation: Prior to issuance of Public Works clearance, the structure(s) shall be advertised for relocation. The project applicant shall provide evidence that an advertisement has been placed in a newspaper of general circulation, posted on a website, and posted at the site for a period of no less than 30 days.

- Salvage: Prior to issuance of Public Works clearance, the structure(s) and site shall be retained and made available for salvage to salvage companies facilitating the reuse of historic building materials.

4.5.3 Conclusion

With implementation of the proposed mitigation measures, the project will have a less than significant impact on unknown buried historic and prehistoric archaeological resources. **(Less Than Significant Impact with Mitigation)**

With implementation of the proposed mitigation measures, the proposed project will have a less than significant impact on historic structures. **(Less Than Significant with Mitigation)**

4.6 GEOLOGY AND SOILS

The following discussion is based on the U.S. Department of Agriculture, Soil Conservation Service, *Soils of Santa Clara County,* 1968.

4.6.1 Setting

4.6.1.1 Geology and Soils

The project site is located in the Santa Clara Valley, a relatively flat alluvial basin, bounded by the Santa Cruz Mountains to the southwest and west, the Diablo Mountain Range to the east, and the San Francisco Bay to the north. The soil is made up of bedrock overlaid with marine and terrestrial sedimentary rocks of Tertiary and Quaternary age materials. The soils on the site are classified as Sunnyvale silty clay, drained (Sv), and Campbell silty clay (Ch). Table 5 describes the characteristics of these soil types.

TABLE 5
Soil Types

Soil Name	Symbol	Shrink/Swell Behavior	Drainage	Runoff	Erosion Hazard
Sunnyvale silty clay, drained	Sv	High	Poor	Ponded	None
Campbell silty clay	Ch	Moderate	Somewhat Poor	Very Slow	None

4.6.1.2 Seismicity and Seismic Hazards

The project site is located within the seismically active San Francisco Bay Region. The Uniform Building Code designates the entire South Bay as Seismic Activity Zone 4, the most seismically active zone in the United States. The faults in the region are capable of generating earthquakes of magnitude 7.0 or higher. It is, therefore, expected that earthquakes could produce very strong ground shaking in the vicinity of the project site during the useful life of the project.

Liquefaction

Liquefaction is the result of seismic activity and is characterized as the transformation of loose water-saturated soils from a solid state to a liquid state during ground shaking. Soils most susceptible to liquefaction are loose to moderately dense, saturated, non-cohesive soils with poor drainage. Due to the type of soil on-site, the project site has a high potential for liquefaction.

4.6.2 Environmental Checklist and Discussion

GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☒	☐	☐	1,2,3
b) Strong seismic ground shaking?	☐	☒	☐	☐	☐	1,2,3
c) Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐	☐	1,2,3
d) Landslides?	☐	☐	☐	☒	☐	1,2,3
2) Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐	☐	1,2,3
3) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	☐	1,2,3
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐	☐	1,2,3
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	☐	1,2,3

4.6.2.1 Geology and Soils Impacts

The project site includes moderate to highly expansive soils, which may expand and contract as a result of seasonal or man-made soil moisture conditions. Expansive soil conditions could damage future development on the site. Future development will not, however, be exposed to slope instability, significant erosion, or landslides due to the flat topography of the site.

As stated above, the project site is located in a seismically active region and strong ground shaking would be expected to occur during the useful life of the proposed project. The liquefaction potential on the site is high, and the ground failure potential ranges from low to moderately high.

Standard Measures: The following measures have been included as part of the project to avoid impacts resulting from implementation of the project:

- Geologic conditions on the project site will require that the proposed structures be designed and built in conformance with the requirements of the Uniform Building Code for Seismic Zone 4. The potential for geologic and soils impacts resulting from conditions on the site can be mitigated by utilizing standard engineering and construction techniques. With incorporation of these measures the project will not expose people or property to significant impacts associated with the geologic conditions of the site including seismic ground shaking, liquefaction, or expansive soils.

- The applicant shall submit a soil investigation report addressing the potential hazard of liquefaction to the City Geologist for review and approval prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.

- Implement standard grading and best management practices to prevent substantial erosion and siltation during development of the site.

4.6.3 Conclusion

With implementation of the proposed standard measures, the project will have a less than significant geology impact. **(Less Than Significant)**

4.7 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Phase I report prepared by *TRC Lowney* in May 2006, a soil and groundwater quality evaluation prepared by *TRC Lowney* in July 2006, and a Vicinity Hazardous Materials Users Survey prepared by *Belinda Blackie, P.E., R.E.A.* Copies of these reports are located in Appendices C, D, and E of this document, respectively.

4.7.1 Setting

Hazardous materials are commonly used by large institutions, commercial, and industrial businesses. Hazardous materials include a broad range of common substances such as motor oil and fuel, pesticides, detergents, paint, and solvents. A substance may be considered hazardous if, due to its chemical and/or physical properties, it poses a substantial hazard when it is improperly treated, stored, transported, disposed of, or released into the environment in the event of an accident.

4.7.1.1 Site History

The project site is a 4.4 acre site that is comprised of 13 parcels that either are or were occupied by industrial and commercial uses. Most of the buildings were built and occupied in the early- to mid-1900's. The site history presented below is based on aerial photographs, USGS topographic maps, and historic Sanborn fire insurance maps.

For discussion purposes, each of the 13 parcels has been numbered. Table 6 lists the address and APN of each parcel by number for reference.

TABLE 6
Project Site Parcel Designations

Parcel Number	Parcel Address	Assessor's Parcel Number
1	345 Stockton Avenue	261-01-054
2	355 Stockton Avenue	261-01-053
3	369 Stockton Avenue	261-01-052
4	375 Stockton Avenue	261-01-051
5	381 Stockton Avenue	261-01-050
6	370 Morrison Avenue	261-01-041
7	380 Morrison Avenue	261-01-042
8	393 Stockton Avenue	261-01-086
9	395 Stockton Avenue	261-01-049
10	840 Cinnabar Street	261-01-085
11	320 Morrison Avenue	261-01-040
12	931 Julian Street	261-01-039
13	N/A – East corner of Cinnabar Street and Morrison Avenue	261-01-043

Parcel 1 was first developed around 1930 and occupied until 1950. The parcel has remained unoccupied since then and is currently occupied by an auto body shop and used for vehicle storage.

Parcel 2 was also developed around 1930 with a warehouse structure occupied by a general contractor until about 1950. Since then, the parcel has been occupied by various automotive repair businesses.

Parcel 3 was first developed in 1928 and occupied by a roofing contractor, then later by Garden City Fish Company until the mid-1960's. The building was expanded to cover most of the parcel and has been occupied by various automotive related businesses.

Parcel 4 was originally developed for residential use, and the buildings were demolished, some time after 1966. The site is currently used for the temporary storage of abandoned vehicles.

Parcel 5 was first developed in 1915 with a single dwelling and a detached garage. In 1941, a warehouse structure was built, which was used first as a canned-fruit warehouse by Richmond-Chase Company and later by California Canners and Growers Transportation Department. A building used for truck repairs was also constructed on the site.

Parcels 6 and 7 were first developed with dwellings prior to 1950, and later became part of the Richmond-Chase facility. A warehouse/truck storage facility was constructed on the southwest portion of the facility around 1960. From 1984 to approximately 2002, Air Systems, Inc. occupied the site and used the facility for HVAC contracting and associated activities. Since 2002, the facility has been used for various office, storage, and warehouse purposes, including vehicle storage and maintenance.

Parcel 8 was first developed for residential use and as a bar/restaurant during the 1930's or 1940's and has been used for similar purposes since then.

Parcel 9 was first developed as a gas service station in the late 1920's. Since then, the service station operated under several different names until about 1989 when the USTs were removed. The site was then occupied by a few automotive repair related businesses until 2004.

Parcel 10 was first developed in the 1940's as an "auto camp" with 16 small cottages and adjoining garages, an office, and a central water closet/washroom structure. In 1977, an auto service structure was built and occupied until the mid-2000s.

Parcel 11 appears to have first been developed with a dwelling and three small sheds prior to 1915, and a beauty shop operated out of the residence until 1935. A machine shop was operated on the site during the 1990's. The residence is now occupied by the San José Police Department Chaplin's Office. The northeast portion of the parcel is currently occupied by a garage and a clean room structure, which are now used for machining and welding primarily for the semiconductor manufacturing industry.

Parcel 12 was first developed with a dwelling before 1930. In the 1980's the dwelling was converted for office use and is currently occupied by several tenants for general office and storage purposes.

Parcel 13 is undeveloped and no previous land use is known.

4.7.1.2 On-Site Sources of Contamination

Chemical Storage and Use

Chemical storage and use on the project site has included moderate quantities of automotive related hazardous materials. In addition, several dirt and concrete slab areas throughout the project site were observed to have oil stains.

Underground Storage Tanks and Other Below Grade Structures

Several underground storage tanks (USTs) were once located on the project site. Although the tanks were removed, fuel leaks have impacted soil and groundwater quality. Fuel releases from the USTs on Parcels 3 and 5 impacted soil and groundwater on-site. The contaminated soils have been excavated and case closure letters were issued by the SCVWD. Residual levels of petroleum hydrocarbons remain in the soil and groundwater and may be encountered during construction. Parcel 9 remains an active fuel leak case and site remediation is in progress. Relatively high levels of petroleum hydrocarbons concentrations appear to remain in soil and/or groundwater and have migrated off-site in a northerly (down gradient) direction. Migration onto adjacent Parcels 8 and 10 is expected. Remedial measures include excavation of the impacted soil followed by groundwater extraction and treatment.

Underground pipes and associated metal covers of unknown function were observed on Parcels 2 and 5. Below ground hydraulic lifts were observed within automobile service areas on Parcels 5, 9, and 10. A concrete lined pit, probably used for the servicing of vehicles, is present on Parcel 9 and is stained with oil.

Lead and Asbestos

Due to the age of the on-site buildings, asbestos-containing materials (ACMs) and/or lead-based paint may be present. ACMs are of concern because exposure to ACMs has been linked to cancer. ACMs are defined by the Federal Environmental Protection Agency as material containing more than one percent asbestos. Title 8, Section 1529, of the California Code of Regulations (CCR), however, defines asbestos-containing construction material (ACCM) as any manufactured construction material which contains more than one-tenth of one percent asbestos by weight.

Lead-based paint is of concern, both as a source of direct exposure through ingestion of paint chips, and as a contributor to lead interior dust and exterior soil. Lead was widely used as a major ingredient in most interior and exterior oil-based paints prior to 1950. Lead compounds continued to be used as corrosion inhibitors, pigments and drying agents from the early 1950's. In 1972, the Consumer Products Safety Commission limited lead content in new paint to 0.5 percent (5000 ppm) and in 1978, to 0.06 percent (600 ppm).

4.7.1.3 On-Site Soil and Groundwater Sampling

A supplemental soil and groundwater quality evaluation was prepared on the site by *TRC Lowney* in July 2006 to determine the location of contamination on-site. Two subsequent soil and groundwater evaluations were prepared (October 10, 2006 and November 2, 2006) to establish the extent of the contamination identified in the original soil and groundwater samples. These reports are included in Appendix D.

Soil Sampling

Subsurface soil sampling was done by collecting several borings at various depths throughout the project site in areas previously believed to have elevated levels of contamination, some associated with the former USTs on-site. Ground surface soil samples were also collected. Locations of the borings and surface samples are shown on Figure 7.

HAZARDOUS MATERIALS - SAMPLE LOCATIONS

FIGURE 7

Groundwater Sampling

Groundwater samples were collected from some of the borings and the existing monitoring well associated with the LUST on Parcel 9 (395 Stockton Avenue). Groundwater samples were also taken from two monitoring wells located at the PG&E facility at 308 Stockton Avenue, east of the project site. The locations of these samples are also shown on Figure 7.

4.7.1.4 Off-Site Contamination

Based on the database search for the Phase I Report, no off-site hazardous material incidents have been reported in the vicinity of the project site that would likely impact the site. As is typical of many commercial/industrial areas, several facilities in the vicinity, however, were reported as hazardous materials users.

The proposed project site is located in an area developed with a mix of commercial, industrial, and residential land uses. Because of the industrial land uses in the project area, a visual survey of the businesses within approximately one-half mile of the project site was completed to identify facilities appearing likely to use, handle, and/or store significant quantities of hazardous substances. The San José Fire Department (SJFD) and the Santa Clara County Environmental Health Department (SCCEHD) files for businesses with hazardous materials use, storage, and/or waste generation were reviewed. Within an approximately one-half mile radius of the project site, there are 67 facilities that reportedly use, handle, and/or store quantities of hazardous substances requiring hazardous materials waste oversight by the SJFD and/or SCCEHD. Based on the volume, type, and storage locations of the material present at the facilities, as well as the distance from the project site, none appear likely to pose a significant threat to project residents, if an accidental release of chemicals were to occur.

The records search identified three facilities that have above ground tanks which could pose an explosion hazard. The first facility is the *U-Haul Co. of East Bay Downtown Moving Center*, located at 1027 The Alameda, which has a 1,000 gallon propane tank. The second facility is *Airgas*, located at 414 Hobson Street, which has a variety of gases including a 70,000 cubic foot tank of acetylene. Neither of these facilities is expected to result in a significant explosion risk to the project, due to the distance from the site and the presence of intervening buildings. The third facility is the *PG&E-Cinnabar Service Center*, located at 308 Stockton Avenue, across the street from the project site. This facility is reported as a service center for storage and distribution of materials and equipment for PG&A electric and gas operation work crews. Vehicle maintenance is also performed at the facility. The facility has a compressed natural gas (CNG) fueling station that is used to fuel vehicles and a 10,000 cubic foot tank of natural gas, as well as numerous small quantities of vehicle maintenance chemicals and assorted gases. Through the PG&E facilities conformance with current city and state regulatory requirements, this facility is not expected to pose a significant risk to project residents.

There are no facilities within one mile of the site that are subject to the California Accidental Release Prevention Program (CalARP). The purpose of the CalARP Program is to prevent the accidental releases of regulated substances. A facility is subject to the CalARP, if it uses or stores sufficient quantities of regulated substances whose accidental release could have off-site consequences.

There are no registered generators of Toxic Air Contaminants within one-half mile of the project site, according to BAAQMD records.

4.7.2 Environmental Checklist and Discussion

HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☒	☐	☐	☐	1,2,9,10 11,12 15
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐	☐	1,2,9,10 11,12 15
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	☐	1,2,9,10 11,12
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☒	☐	☐	☐	1,2,9,10 11,12
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1,2
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1,2
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐	1,2
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	☐	1,2

4.7.2.1 On-Site Soil and Groundwater Contamination Impacts

As described in the setting section above, the project site has been used for commercial and industrial purposes for the last 100 years. In particular, the site has been used extensively for automotive repair and storage. Chemical storage and use associated with these land uses involves automotive related hazardous materials, which are evident in several locations on the project site.

The direct exposure Environmental Screening Levels (ESLs) for residential land use have been established by the San Francisco Bay Regional Water Quality Control Board (RWQCB) to established thresholds for soil and groundwater contamination. The ESLs are not a regulatory cleanup standard; however, any contamination above the residential ESL threshold is likely to pose a significant health risk. Table 7 below lists the ESLs for contaminants found in the soil and groundwater samples on-site. Table 8 lists the soil and groundwater samples with contaminants in excess of the ESL thresholds.

TABLE 7
Environmental Screening Levels for Residential Development

Sample	ESL - Soil	ESL - Water
Petroleum Hydrocarbons (oils)	1000 ppm	100 ppb
Benzene	0.18 ppm	1.0 ppb
Toluene	100 ppm	40 ppb
Ethylbenzene	400 ppm	30 ppb
Xylenes	330 ppm	13 ppb
MTBE	30 ppm	5.0 ppb
Lead	150 ppm	---
Cobalt	10 ppm	---
Chlordane[10]	440 ppb	---
Dieldrin	34 ppb	---
DDT	1600 ppb	---
Vanadium	---	0.005 ppm
Selenium	---	0.015 ppm
PCE	---	5.0 ppb

[10] Chlordane is a pesticide.

TABLE 8
Samples in Excess of Residential ESL Thresholds

Sample	DDT	Dieldrin	Chlordane	Lead	Cobalt	TPHo	Toluene	Xylenes	PCE	Selenium	Vanadium	Benzene	Ethylbenzene	MTBE
SS-1	-	-	-	400	-	-	-	-	-	-	-	-	-	-
SS-4	-	-	-	680	-	-	-	-	-	-	-	-	-	-
SS-5	1900	452	11700	700	-	-	-	-	-	-	-	-	-	-
SS-6	-	-	-	270	-	-	-	-	-	-	-	-	-	-
SS-8	-	-	989	2500	-	-	-	-	-	-	-	-	-	-
SS-9	-	-	-	660	-	-	-	-	-	-	-	-	-	-
SS-11	-	-	-	200	-	-	-	-	-	-	-	-	-	-
SS-13	-	-	-	150	-	-	-	-	-	-	-	-	-	-
SS-15	-	-	-	260	-	-	-	-	-	-	-	-	-	-
SS-18	-	-	-	360	-	-	-	-	-	-	-	-	-	-
SS-19	-	-	-	450	-	-	-	-	-	-	-	-	-	-
SS-20	-	-	-	582	-	-	-	-	-	-	-	-	-	-
SB-2	-	-	-	-	48	-	-	-	-	-	-	-	-	-
SB-3	-	-	-	-	-	2400	100	3900	-	-	-	-	-	-
SB-13	-	-	-	-	11	-	-	-	-	-	-	-	-	-
WS-1	-	-	-	-	-	-	-	-	-	0.023	-	-	-	-
WS-2	-	-	-	-	-	-	-	-	-	0.074	-	-	-	-
WS-3	-	-	-	-	-	-	-	-	-	0.080	-	-	-	-
WS-4	-	-	-	-	-	-	-	-	-	0.52	-	-	-	-
WS-5	-	-	-	-	-	-	-	-	191	0.51	-	-	-	-
WS-6	-	-	-	-	-	-	11500	7900	-	0.011	0.056	5140	1380	278
WS-7	-	-	-	-	-	-	-	-	-	0.36	-	-	-	-
WS-8	-	-	-	-	-	-	-	-	-	0.083	-	-	-	-

As shown in Table 8, sample SS-5 has concentrations of DDT, dieldrin and chlordane in excess of the residential ESL thresholds. Sample SS-8 also has elevated levels of chlordane. Lead was found to exceed the residential ESL threshold in 12 of the 20 shallow soil samples corresponding to areas with high pesticide concentrations. Soil sample SB-3 showed concentrations of petroleum hydrocarbons (oil), toluene, and xylenes at or above the residential ESL thresholds.

Concentrations of arsenic and mercury were found above the established ESLs but within the regional background range, which is considered acceptable for residential development in Santa Clara County.

As shown in Table 8, all of the groundwater samples detected contamination concentrations in excess of the ESL thresholds. Sample WS-5 contained PCE at 191 ppb. Sample WS-6, located near the former UST area on Parcel 9, had elevated levels of benzene, toluene, ethylbenzene, xylenes, and MTBE well above the established ESL threshold. Sample WS-6 was collected from a monitoring well near a former UST area on Parcel 9. The monitoring well is in the area of an active fuel leak case undergoing remediation under the oversight of the Santa Clara County Department of Environmental Health.

Impact HAZ-1: Existing soil contamination and groundwater contamination on-site could pose a significant threat to human health for future residents and construction workers. (Significant Impact)

Mitigation Measures: The project proposes to implement the following mitigation measures:

MM HAZ 1-1: A soil management plan (SMP) will be prepared to address the handling of impacted soils during project development. In addition, a health and safety plan (HSP) will be prepared addressing worker safety, including the rationale for selection of personal protective equipment (PPE) for site workers during site development and during any post-development construction activities (such as underground utility repairs, where workers might expose contaminated materials). The HSP will also include a discussion of health risks associated with the contaminants identified at the site. Furthermore, a Sampling and Analysis plan will be prepared with provisions for collecting post-demolition soil samples in previously inaccessible areas to confirm the extent of soil contamination under the pre-existing buildings. The SMP, HSP, and Sampling and Analysis Plan will be prepared and submitted to the City of San José for approval prior to issuance of grading permits.

MM HAZ 1-2: Soils removed from excavation of underground utility trenches, proposed semi-submerged garages, and preparation of foundations will be appropriately characterized and transported off-site for disposal at an appropriately permitted waste disposal facility.

MM HAZ 1-3: Well records at the SCVWD will be reviewed to evaluate the locations of any active wells. Active wells will be destroyed or relocated as needed prior to issuance of grading permits.

MM HAZ 1-4: The applicant will have a Remedial Action Work Plan (RAWP) prepared by a qualified hazardous materials consultant prior to issuance of grading permits that will detail the remediation work left to be done on-site and the timing of the work. The RAWP will be submitted to the RWQCB for approval.

MM HAZ 1-5: Upon approval of the RAWP by the RWQCB, the RAWP will be submitted to the City of San José Planning Department for review and approval.

MM HAZ 1-6: After the RAWP has been fully implemented, appropriate documentation will be submitted to the RWQCB for issuance of a No Further Action letter. A copy of the No Further Action letter must be filed with the City of San José Planning Division.

Underground Storage Tanks

USTs were removed from Parcel 9 (395 Stockton Avenue) and, as discussed above, site remediation is in progress. Relatively high petroleum hydrocarbons concentrations have remained in the soil and groundwater at this site and have migrated off-site in a northerly (down-gradient) direction. Contaminants have also migrated onto Parcels 8 and 10. USTs on Parcels 3 and 5 have been closed.

Further investigation of on-site underground storage tanks and structures identified three USTs on Parcel 2. The three USTs have been removed and the site is listed as an active fuel leak case. Remediation is currently underway on this parcel. There is, however, one addition UST at this location under the sidewalk.

Impact HAZ-2: The presence of a UST on the project site (including under the sidewalk) which has not been closed or is not currently in the process of remediation could significantly impact soil and/or groundwater on the project site.

Mitigation Measures: The project proposes to implement the following mitigation measures:

MM HAZ 2-1: The UST will be removed in accordance with current regulations. Once the UST is removed, soil and groundwater sampling will be completed by qualified personnel to determine if soil and/or groundwater contamination has occurred.

MM HAZ 2-3: If soil and/or groundwater contamination in found in this location, mitigation measures HAZ 1-1, 1-2, 1-4, 1-5, and 1-6 (listed above) will be implemented as necessary to remediate contamination issues associated with the UST.

4.7.2.2 Toxic Air Contaminants

Toxic Air Contaminants (TACs) are a broad class of compounds known to cause death (mainly from cancer) and include, but are not limited to, the following criteria air pollutants: ozone, carbon dioxide, nitrogen dioxide, sulfur dioxide, particulate matter, lead, sulfates, hydrogen sulfide, and vinyl chloride. TACs are caused by industry, agriculture, fuel combustion, and commercial operations (such as dry cleaners). Diesel exhaust is the predominant TAC in urban areas and is estimated to represent approximately two-thirds of all cancer risk from TACs based on a statewide average. Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

The proposed project site is located in an area developed with a mix of commercial, industrial, and residential land uses. Because of the industrial land uses in the project area, a land use survey was completed to determine if there were any land uses within one quarter that could have a release of airborne contaminants.

The majority of the land uses around the project site are commercial, office, and residential. Commercial land uses include a winery, a sweeping company, a produce supplier, Pitco Foods Distributor, San José Blue, an ice cream distributor, a mini-storage, plumbing contractors, multiple hotels, and various small commercial businesses along The Alameda (including Longs Drugs, Andy's Pet Store, Tap Plastics, various restaurants, sandwich shops, and bakeries, a day spa, a dry cleaners, a photography studio, a rental car company, U-haul, Kragens, etc). Office uses include San José Unified School District, Valley Health Center, Silicon Valley Newspaper, Boy Scouts, San José Collection Bureau, a construction company, San José Housing Authority, and Santa Clara University Law School. Residential uses in the area are a mix of single-family housing, condominiums, affordable housing, and a couple of halfway houses. There is an elementary school at the corner of Lenzen Avenue and The Alameda. There are also two San José Arena parking lots located within the study area.

Industrial land uses in the area are few and are not comprised of businesses that store or use large quantities of hazardous materials which could become airborne if a release occurred. Industrial land uses within one-quarter mile of the project site include: a machine shop, the vacant Westinghouse building, automotive repair facilities, a salvage yard, and the PG&E corporation yard. The UPRR runs multiple tracks through the study area between the PG&E corporation yard and San José Market Place. None of the industrial land uses within the project area are likely to store and/or use significant quantities of hazardous materials that could be released as airborne contaminants. In addition, the land use survey and reviews of aerial photos found that none of these facilities have above ground storage tanks.

In addition to the land use survey a review of California Accidental Release Prevention (CalARP) Program facilities was completed to determine if any CalARP facilities are located within one-half mile of the project site. CalARP is a program for the prevention of accidental release of regulated toxic and flammable substances. Based on City, County, and Fire Department records, no CalARP facilities are located within one-half mile of the project site.

The proposed project would not expose residents to major sources of toxic air contaminants or result in long-term increases in toxic air contaminant emissions.

4.7.2.3 Explosion Hazard Impacts

As stated in Section 4.7.1.4, a records search identified three facilities that have above ground tanks which could pose an explosion/release hazard to the project site. The three facilities are the *U-Haul Co. of East Bay Downtown Moving Center* (located at 1027 The Alameda), *Airgas* (located at 414 Hobson Street), and *PG&E – Cinnabar Service Center* (located at 308 Stockton Avenue, across the street from the project site). In order to quantify the impacts of these facilities, a worst case explosion/release scenario was prepared. Based on the modeling data, a worst-case release at the *Airgas* facility would have an impact zone of 0.18 miles for ammonia and 0.045 miles for propylene and the *U-Haul* facilities would have an impact zone of 0.016 miles for propane. These facilities are located 0.42 and 0.12 miles from the project site, respectively. Therefore, the project site is located outside the impact zone of these facilities and explosions and/or releases at these facilities would have a less than significant impact on the project site.

The *PG&E* facility had two possible worst case propane explosion scenarios. The first scenario is based on tank pressure information reported in the *PG&E* January 2005 Hazardous Materials Business Plan for the facility. Under this scenario, the project site would be outside the impact zone. The second scenario is based on tank pressure assumptions received from Mr. Ralph McCullers, an

employee of *PG&E*. Under the second scenario, the project site is located within the impact zone under the worst case conditions as well as the alternate scenario conditions (e.g., normal wind patterns).

While the project site has been identified as being within the impact zone for one of two possible explosion scenarios at the *PG&E* facility, there are very specific City and State regulatory requirements that *PG&E* must comply with to maintain permits for their current operations. It is highly improbable that all existing safety systems would fail, resulting in an explosion hazard that would affect the project site. Therefore, this facility will not pose a significant risk to future project residents. As a condition of approval, however, the City shall require that the property owner disclose the presence of the propane tanks at the *PG&E* facility to potential residents.

Standard Measures: The following standard measure could be included in the project as a condition of approval to address the propane tanks located in close proximity to the project site:

- The City shall require the property owner to disclose the presence of the propane tanks at the PG&E facility to potential residents.

4.7.2.4 Asbestos-Containing Materials and Lead-Based Paint Impacts

Due to the age of the structures on the project site, ACMs may be present. The project proposes to demolish the existing building, and as a result, an asbestos survey must be conducted under National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines. In addition, NESHAP guidelines require that all potentially friable ACM be removed prior to building demolition or renovation that may disturb the ACM.

Based on the age of the buildings, lead-based paint may be present. If lead-based paint is still bonded to the building materials, its removal is not required prior to demolition. It will be necessary, however, to follow the requirements outlined by Cal-OSHA Lead in Construction Standard, Title 8, California Code of Regulation (CCR) 1532.1 during demolition activities; these requirements included employee training, employee air monitoring, and dust control. If lead based paint is peeling, flaking, or blistered, it should be removed prior to demolition. It is assumed that such paint will become separated from the building components during demolition activities and must be managed and disposed of as a separate waste stream. Any debris or soil containing lead paint or coating must be disposed of at landfills that are permitted to accept such waste.

Furthermore, demolition of the existing structures on the project site could expose construction workers or residents in the vicinity of the project site to harmful levels of ACMs or lead.

Standard Measures: The project proposes to conform with the following regulatory programs and to implement the following standard measures to reduce impacts due to the presence of ACMs and/or lead-based paint:

- In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site buildings to determine the presence of asbestos-containing materials and/or lead-based paint.

- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control.

Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.

- All potentially friable ACMs shall be removed in accordance with NESGAP guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from exposure to asbestos.

- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

- Materials containing more than one (1) percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent asbestos shall be completed in accordance with BAAQMD requirements.

4.7.3 Conclusion

The proposed project, with the implementation of the above mitigation and standard measures and in conformance with applicable state regulations related to the presence of ACMs and/or lead-based paint, would not result in significant hazardous material impacts. **(Less Than Significant Impact with Mitigation Incorporated)**

4.8 HYDROLOGY AND WATER QUALITY

4.8.1 Setting

4.8.1.1 Flooding

Based on the Federal Emergency Management Agency's Flood Insurance Rate Maps, the project site is located within *Zone D*. Flood Zone D denotes areas of undetermined, put possible, flood hazards. The site is approximately 2,000 feet west of Guadalupe River which is a designated 100-year flood zone.

4.8.1.2 Storm Drainage System

Storm drainage lines in the area are provided and maintained by the City of San José. There is currently an 18-inch storm drain line in Stockton Avenue.

4.8.1.3 Groundwater

Groundwater in the vicinity of the project site is first encountered at approximately 15 feet below the ground surface (bgs). The project site is not a designated groundwater recharge area.

4.8.1.4 Water Quality

The water quality of Guadalupe River is directly affected by pollutants contained in stormwater runoff from a variety of urban land uses. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, including oil, grease, asbestos, lead, and animal wastes.

Currently, Guadalupe River is listed on the California 303(d) list and the Total Maximum Daily Load (TMDL) priority schedule. The river is listed because it contains high levels of Diazinon (a synthetic chemical uses in industrial and household insecticides). The Diazinon is the result of urban runoff that flows through the storm drainage system.

Nonpoint Source Pollution Program

In 1988 the SWRCB adopted the Nonpoint Source Management Plan in an effort to control nonpoint source pollution in California. In December 1999, the Plan was updated to comply with the requirements of Section 319 of the Clean Water Act and Section 6217 of the Coastal Zone Act Reauthorization Amendment of 1990. The Nonpoint Source Management Program requires individual permits to control discharge associated with construction activities. The Nonpoint Source Program is administered by the RWQCB under the NPDES General Permit for Construction Activities. Projects must comply with the requirements of the Nonpoint Source Program if they disturb one or more acres of soil.

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed by the RWQCB to assist co-permittees in implementing the provisions of the NPDES permit. This program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the Environmental Protection Agency develop NPDES application requirements for storm water runoff. The Program's Municipal NPDES storm water permit includes

provisions requiring regulation of storm water discharges associated with new development and development of an area-wide watershed management strategy. Any project that creates, replaces, or adds 10,000 square feet of impervious surface must comply with the provisions of the NPDES permit.

City of San José Post-Construction Urban Runoff Management (Policy 6-29)

The City of San José's Policy No. 6-29 requires all new and redevelopment project to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs) to the maximum extent practicable. This policy also established specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

City of San José Hydromodification Management (Policy 8-14)

The City of San José's Policy No. 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP). Projects that create or replace less than one acre of impervious surface or are located in subwatersheds greater than or equal to 65 percent impervious and greater than or equal to 90 percent build out are not required to comply with Policy 8-14.

The proposed project is located just outside the downtown area and is currently exempt from Policy 8-14 due to the build out of the watershed. The project must, however, comply with Policy 8-14 as it is applicable at the Development Permit stage.

4.8.2 Environmental Checklist and Discussion

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	☐	1,2
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	☐	1,2

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐	☐	1,2
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	☐	☐	☒	☐	☐	1,2
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	☐	1,2
6) Otherwise substantially degrade water quality?	☐	☒	☐	☐	☐	1,2
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☒	☐	☐	1,2,4
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒	☐	☐	1,2,4
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐	☐	1,2,4
10) Be subject to inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐	1,2

4.8.2.1 Flooding Impacts

Based on the FEMA flood insurance rate maps, the site is denoted as an area of undetermined but possible flood hazard. As proposed, all the residential buildings except for portions of Buildings 5, 7 and 8 (see Figure 3) will be elevated approximately three feet above the ground surface in accordance with the City's Floodplain Management Ordinance as amended (February 2006). Because of the location and design of the site and its distance from a 100-year flood zone, implementation of the proposed project will not subject housing or residents to flooding hazards.

4.8.2.2 Water Quality Impacts

Construction Impacts

Implementation of the proposed project would temporarily increase pollutant loads due to grading and construction (i.e., demolition of the existing buildings, removal of pavement, and construction of new structures). Demolition and construction activities would temporarily increase the amount of debris on-site and grading activities would increase the potential for erosion and sedimentation that could be carried by runoff into natural waterways, which will increase sedimentation impacts to the Guadalupe River and San Francisco Bay.

Impact HYD-1: Construction activities will result in an increase in pollutants in stormwater runoff.

Mitigation Measures: The following mitigation measures, based on RWQCB Best Management Practices, are included in the project to ensure compliance with NPDES permit requirements to reduce construction-related water quality impacts:

MM HYD 1-1: During construction, burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.

MM HYD 1-2: During construction, earthmoving or other dust-producing activities will be suspended during periods of high winds.

MM HYD 1-3: During construction, all exposed or disturbed soil surfaces will be watered at least twice daily to control dust as necessary.

MM HYD 1-4: During construction, stockpiles of soil or other materials that can be blown by the wind will be watered or covered.

MM HYD 1-5: During construction, all trucks hauling soil, sand, and other loose materials will be covered and/or all trucks will be required to maintain at least two feet of freeboard.

MM HYD 1-6: During construction, all paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites will be swept daily (with water sweepers).

MM HYD 1-7: During construction, vegetation in disturbed areas will be replanted as quickly as possible.

MM HYD 1-8: Prior to construction grading for the proposed land uses, the applicant will file a "Notice of Intent" (NOI) to comply with the General Permit administered by the Regional Board and will prepare a Stormwater Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the amendment to minimize and control construction and post-construction runoff. The following measures would be included in the SWPPP:

- Preclude non-stormwater discharges to the stormwater system.
- Effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.

- Coverage of soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff.
- Perform monitoring of discharges to the stormwater system.

MM HYD 1-9: The developer will submit a copy of the draft SWPPP to the City of San José for review and approval prior to construction of the project site. The certified SWPPP will be posted at the site and will be updated to reflect current site conditions.

Post-Construction Impacts

Implementation of the project will result in a decrease in pollutant loads due to an approximate 19 percent increase in permeable surfaces on the site. Nevertheless, the project site will still contribute the same types of stormwater runoff pollutants as the existing development. Street and parking area runoff often carries grease, oil, and trace amounts of heavy metals into natural drainages. Runoff from landscaping can carry pesticides, herbicides, and fertilizers. Although the amounts of these pollutants ultimately discharged into the waterways are unknown, over time they could be substantial.

The existing and proposed square footages of pervious and impervious surfaces are shown on Table 9, below. The existing project site is approximately 193,406 square feet[11], of which approximately 96 percent is currently comprised of impervious surfaces. The proposed project will replace 148,010 square feet of impervious surface on the site. The remaining 37,556 square feet of area will be open space and pervious surface with landscaping. The project will result in a net reduction in impervious surfaces on the site, so implementation of the proposed project will decrease the amount of runoff and pollution flowing into the storm drain system.

While the project will reduce the amount of runoff, the proposed project will add or replace more than 10,000 square feet of impervious surfaces, so it must conform to the version of Council Policy 6-29 in place at the time a development permit application is filed. Conformance will be illustrated in the Conceptual Stormwater Control Plan at the Planned Development Zoning stage and in the final Stormwater Control Plan at the Development Permit stage of this project. Plans will be certified by engineers to ensure incorporation of appropriate and effective source control measures to prevent discharge of pollutants, design measures to reduce impervious surfaces, and treatment control measures to remove pollutants from runoff.

[11] One acre equals 43,560 square feet.

Table 9 Pervious and Impervious Surfaces On-Site						
Site Surface	**Existing Conditions**	**%**	**Project Conditions**	**%**	**Net Difference**	**%**
Impervious						
Building Footprint	73,799 sf	38	106,242 sf	55	+32,443 sf	+17
Parking/Driveways	110,766 sf	57.5	39,394 sf	21	-71,372 sf	-36.5
Sidewalks/Patios/Paths	1,000 sf	0.5	2,374 sf	1	+1,374 sf	+0.5
Subtotal	185,565 sf	96	148,010 sf	77	-37,556 sf	-19
Pervious						
Landscaping	7,841 sf	4	45,396 sf	23	37,556 sf	+19
Subtotal	7,841 sf	4	45,396 sf	23	37,556 sf	+19
Total	193,406 sf	100	193,406 sf	100		

Standard Measures: The following standard measures, based on RWQCB Best Management Practices and City of San José requirements, are included in the proposed project to ensure compliance with NPDES permit requirements to reduce post-construction water quality impacts:

- When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the RWQCB and the City of San José. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the project site.

- All post-construction TCMs will be installed, operated, and maintained by qualified personnel. On-site inlets will be stenciled in conformance with City requirements and cleaned out a minimum of once per year, prior to the wet season.

- The property owner/site manager will keep a maintenance and inspection schedule and record to ensure that the TCMs continue to operate effectively for the life of the project. Copies of the schedule and record must be provided to the City upon request and must be made available for inspection on-site at all times.

4.8.2.3 Groundwater Impacts

The proposed project will have less impermeable surface area than the existing condition, but will still not contribute to the recharging of the groundwater aquifers. Implementation of the project site will not interfere with groundwater flow or expose any aquifers. The water supply for the project site will not be met from the groundwater supply (see Section IV.P., *Utilities and Service Systems* for a discussion of water supply) and, as a result, the project will not deplete the existing groundwater supply or impact the groundwater aquifer.

4.8.3 Conclusion

Conformance with City Council Policy 6-29 and the identified mitigation and standard measures would reduce hydrology impacts to a less than significant level. **(Less Than Significant with Mitigation)**

4.9 LAND USE

4.9.1 Setting

The project site is comprised of 13 parcels located within one city block that is defined by Stockton Avenue, Cinnabar Street, N. Morrison Avenue, and Julian Street just outside of downtown San José. All four roadways are two-lane (one lane in each direction) roadways with no raised medians. Julian Street and Stockton Street are, however, wider than Cinnabar Street and N. Morrison Avenue, which are residential streets. All four roadways have sidewalks and are lined with mature street trees. The 13 parcels are developed with a variety of commercial and light industrial businesses and paved parking areas (see Figure 8).

4.9.1.1 Project Site

On the Stockton Avenue frontage, the majority of the businesses are located in one-story warehouse style buildings. In addition to the warehouse style buildings, there is also a two-story office building with a surface parking lot. A two-story commercial building that houses a bar with office space on top is also located along the Stockton Avenue frontage. The remaining property on Stockton Avenue is a small parcel that is no longer occupied. The parcel is surrounded by a six-foot chain link fence and contains a one-story storage building that is in a severe state of disrepair.

The property located on the Cinnabar Street frontage is developed with a one-story warehouse style building that operates as a public storage facility. The parcels that front N. Morrison Avenue are developed with a large warehouse style building and a large surface parking area. The site appears to be used for RV storage.

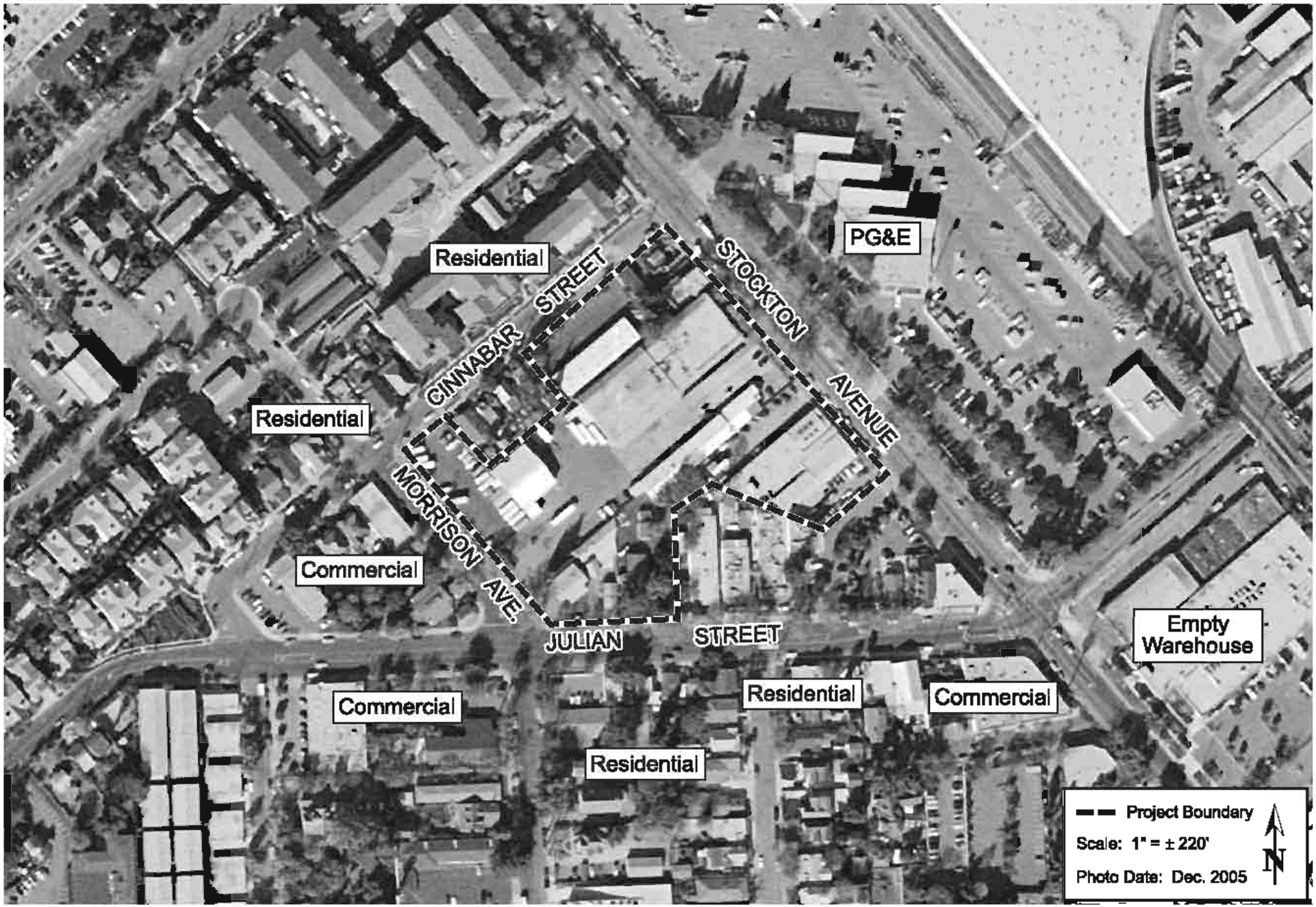
At the corner of N. Morrison Avenue and Julian Street is a small one-story wood-frame structure and a surface parking lot. The building appears to be a single-family house that was converted to an office. Adjacent to this lot, on Julian Street, is another one-story wood-frame single-family house with a detached two-car garage at the back of the property. This house has also been converted to office space.

4.9.1.2 Surrounding Land Uses

On the east side of Stockton Avenue, between Julian Street and Cinnabar Street, is the PG&E maintenance and service facility. The PG&E facility is comprised mostly of paved areas for parking and vehicle storage and a one-story office building.

On the north side of Cinnabar Street, between N. Morrison Avenue and Stockton Avenue, is the recently constructed Cinnabar Commons housing development. Cinnabar Commons is comprised of three-story, multi-family residential buildings. Adjacent to the Cinnabar Commons development is a small neighborhood comprised of small one-story wood-frame single-family houses. On the south side of Cinnabar Street, adjacent to the project site, are three small one-story wood-frame single-family houses similar to the houses on the north side of the street.

On the west side of N. Morrison Avenue is a large one-story warehouse style building that contains two automotive repair businesses. Adjacent to the automotive repair shops is a one-story brick office building.



AERIAL PHOTOGRAPH

FIGURE 8

On the south side of Julian Street there is a combination of one-story commercial/office buildings and one-story, wood-frame, single-family houses similar to those on Cinnabar Street. On the north side of Julian Street (adjacent to the project site) is a large one-story warehouse style building and a newly renovated two-story commercial/office building.

4.9.2 Environmental Checklist and Discussion

LAND USE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Physically divide an established community?	☐	☐	☒	☐	☐	1,2
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	☐	1,2
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐	1,2

4.9.2.1 Land Use Impacts

Land use conflicts can arise from two basic causes: 1) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere; or 2) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of *land use compatibility*. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. Depending on the nature of the impacts and its severity, land use compatibility conflicts can range from minor irritation and nuisance to potentially significant effects on human health and safety. The discussion below distinguishes between potential impacts from the proposed project upon persons and the physical environment, and potential impacts from the project's surroundings upon the project itself.

The proposed project would demolish the existing industrial and commercial land uses and construct multi-family housing on the project site. The proposed residential land use is compatible with the residential development to the north and south of the site. The adjacent land uses do not pose a health or safety risk to the proposed residential development. In addition, a similar residential development was recently constructed directly north of the project site which indicates that the City's General Plan considers these existing land uses as being generally compatible with residential land uses. Therefore, the proposed project will also be compatible with the surrounding land uses.

There is a potential, however, for future residents to perceive a conflict with the existing automotive repair facilities to the west due to the noise and exhaust fumes associated with maintenance and test operations of the vehicles.

The City of San José has adopted *Residential Design Guidelines* that are applicable to all attached residential development, or projects proposing single family detached houses on individual lots of less than 6,000 square feet. The *Residential Design Guidelines* state that land use conflicts between the proposed residential development on the project site and any adjacent land uses would be avoided if the residential structures are set back a minimum of 10-15 feet from incompatible uses. In addition, private open space (patios or backyards) must be set back at least 10 feet from incompatible uses.

The proposed residential buildings on Morrison Avenue will have approximately 10 foot wide patios that will be set back approximately five feet from the sidewalk. The sidewalk itself is approximately five feet wide. In addition to these setbacks, the residences on Morrison Avenue will be separated from the nearby automotive repair facilities by the roadway. The residential buildings in the southwest corner of the site will be setback approximately 18 feet from the two-story commercial/office building (on the corner of Stockton Avenue and Julian Street) and approximately 15 feet from the one-story commercial building on Julian Street. None of the other residential buildings will be in close proximity to non-residential land uses. Therefore, the buildings are sufficiently set back from the adjacent industrial/commercial land uses to comply with the *Residential Design Guidelines* and the presence of the automotive repair facilities will not result in a significant land use compatibility impact.

4.9.3 Conclusion

Implementation of the proposed project in conformance with the Residential Design Guidelines will result in a less than significant land use impact. **(Less Than Significant)**

4.10 MINERAL RESOURCES

4.10.1 Setting

The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mt. Hamilton-Diablo Range were exposed by continued tectonic uplift and regression of the island sea that had previously inundated this area. As a result of this process, the topography of the City is relatively flat and there are no significant mineral resources.

4.10.2 Environmental Checklist and Discussion

MINERAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	☐	1,2
2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	☐	1,2

4.10.2.1 Mineral Resources Impacts

The proposed project site is within a developed urban area and it does not contain any known or designated mineral resources.

4.10.3 Conclusion

The project would not result in a significant impact from the loss of availability of a known mineral resource. **(No Impact)**

4.11 NOISE

A Noise Assessment was prepared by *Illingworth & Rodkin* in November of 2006 to identify noise impacts resulting from the proposed project. A copy of the noise assessment is found in Appendix F of this Initial Study.

4.11.1 Setting

4.11.1.1 Methodology

Noise is defined as unwanted sound. Sound levels are usually measured and expressed in decibels (dB) with 0 dB corresponding roughly to the threshold of hearing. Most of the sounds which we hear in the environment do not consist of a single frequency, but rather a broad band of frequencies, with each frequency differing in sound level. The intensities of each frequency add together to generate a sound. The method commonly used to quantify environmental sounds consists of evaluating all of the frequencies of a sound in accordance with a weighting that reflects the fact that human hearing is less sensitive at low frequencies and extreme high frequencies than in the frequency mid-range. This is called "A" weighting, and the decibel level so measured is called the A-weighted sound level (dBA). In practice, the level of a sound source is conveniently measured using a sound level meter that includes an electrical filter corresponding to the A-weighting curve. Typical A-weighted levels measured in the environment and in industry are shown in Appendix F for different types of noise.

Although the A-weighted noise level may adequately indicate the level of environmental noise at any instant in time, community noise levels vary continuously. Most environmental noise includes a conglomeration of noise from distant sources which create a relatively steady background noise in which no particular source is identifiable. To describe the time-varying character of environmental noise, the statistical noise descriptors, L_{01}, L_{10}, L_{50}, and L_{90}, are commonly used. They are the A-weighted noise levels equaled or exceeded during 1%, 10%, 50%, and 90% of a stated time period. A single number descriptor called the L_{eq} is also widely used. The L_{eq} is the average A-weighted noise level during a stated period of time.

In determining the daily level of environmental noise, it is important to account for the difference in response of people to daytime and nighttime noises. During the nighttime, exterior background noises are generally lower than daytime levels. However, most household noise also decreases at night and exterior noises become very noticeable. Further, most people sleep at night and are very sensitive to noise intrusion. To account for human sensitivity to nighttime noise levels, a descriptor, DNL (day/night average sound level), was developed. The DNL divides the 24-hour day into the daytime of 7:00 AM to 10:00 PM and the nighttime of 10:00 PM to 7:00 AM. The nighttime noise level is weighted to 10 dB higher than the daytime noise level. The Community Noise Equivalent Level (CNEL) is another 24-hour average which includes both an evening and nighttime weighting.

4.11.1.2 Existing Noise Environment

The project site is located at the corner of Stockton Avenue and Cinnabar Street in the City of San José. The project site is surrounded by a combination of old industrial/warehouse buildings, office buildings, and both single-family and multi-family residential. Vehicular traffic noise on Stockton Avenue and West Julian Street is the predominant noise source affecting the project site. Intermittent noise from trains along the Union Pacific Railroad (to the east of the site) and aircraft associated with Mineta San José International Airport also affect the project site. Maximum noise levels generated by railroad trains and aircraft were typically at or below maximum noise levels generated by traffic along Stockton Avenue.

Mineta San José International Airport is approximately 4.2 miles northwest of the project site. The project site is not located within the future 65 CNEL contour for the airport.

A noise monitoring survey was conducted to quantify the existing noise environment on the project site. Two long-term noise measurements and one short-term noise measurement were taken. The first long-term measurement location (LT-1) was on Stockton Avenue, south of Cinnabar Street. The second long-term noise measurement location (LT-2) was located at the intersection of Julian Street and Morrison Avenue, the southwest corner of the project site. The third noise measurement location (ST-1) was a short-term noise measurement on Morrison Avenue, south of Cinnabar Street. (See Figure 9)

The average noise levels at the LT-1 location ranged from 63 to 70 dBA L_{eq} during the day and 55 to 68 dBA L_{eq} at night. The DNL noise level at this location was calculated at 69 to 70 dBA.

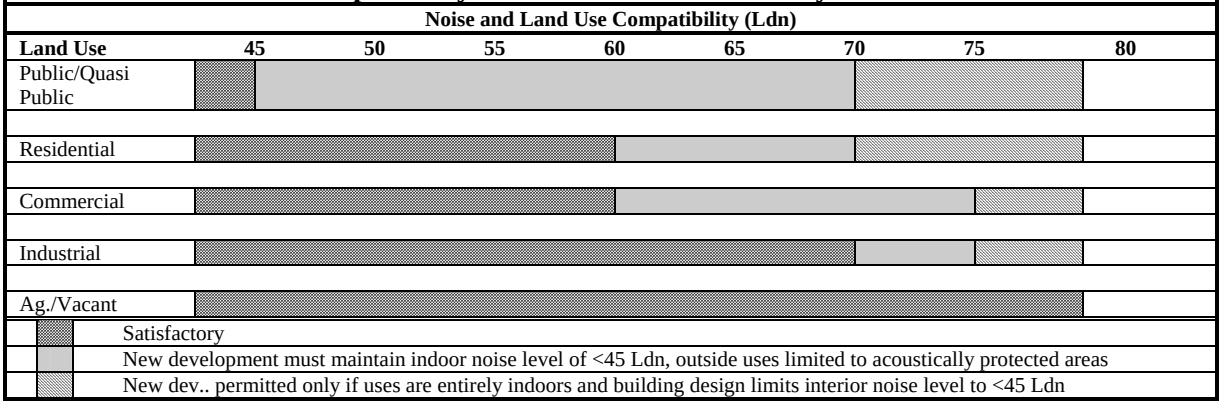
The average noise levels at the LT-2 location ranged from 58 to 68 dBA L_{eq} during the day and 47 to 62 dBA L_{eq} at night. The DNL noise level at this location was calculated to be 65 dBA.

The average noise level at the ST-1 location was 54 dBA L_{eq}. The DNL noise level at this location, estimated based on the relationship between the long-term noise data and short-term noise data, was 58 dBA.

4.11.1.3 Noise Standards

Based on the City's General Plan, Table 10 shows the noise levels considered consistent with specific land uses. For residential uses, outdoor noise levels of up to 60 decibels are considered satisfactory and up to 70 decibels are permitted for new development if the indoor noise level does not exceed 45 decibels and outdoor uses are limited to acoustically protected areas.

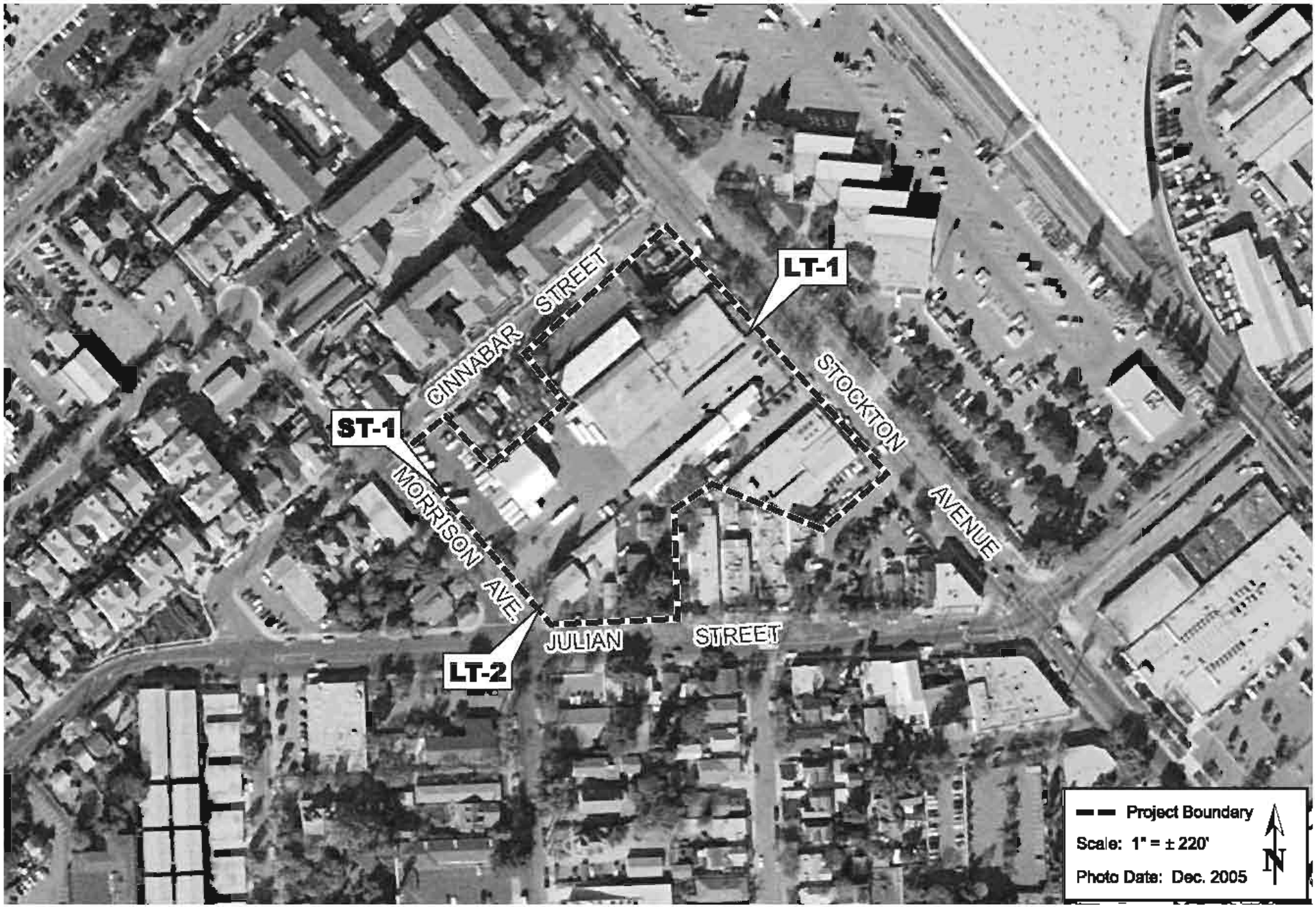
TABLE 10
Land Use Compatibility Guidelines for Community Noise in San José



City of San José General Plan

State of California Noise Standards for Residential Use

Title 24, Part 2 of the California code of Regulations specifies a maximum interior L_{dn} of 45 dBA in new multi-family housing. An acoustical analysis is required for projects that are exposed to an exterior L_{dn} of 60 dBA or greater to show how the interior noise level requirement would be



NOISE MEASUREMENT LOCATIONS

FIGURE 9

achieved. Title 24 standards are enforced through the building permit process in the City of San José.

4.11.2 Environmental Checklist and Discussion

NOISE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project result in:						
1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	☐	1,2,13
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	☐	1,2,13
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	☐	1,2,13
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐	☐	1,2,13
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐	☐	1,2,13
6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1,2,13

4.11.2.1 Noise Impacts to the Project

Due to the proximity of the project to Mineta San José international Airport, aircraft operations are audible on the site. A review of the 65 CNEL noise contour map established by the Santa Clara County ALUC, however, indicates that the project site is located outside of the Airport's future 65 CNEL noise contour. Exterior open space areas on the project site would not be exposed to noise levels of 65 CNEL or greater due to aircraft flyovers.

Vehicular traffic noise along Stockton Avenue and West Julian Street currently generate noise levels greater than the City's acceptable noise level standards. Traffic volumes are expected to increase in the project area in the future due to both the project and general traffic growth.

Based on the noise monitoring survey, traffic along Stockton Avenue generates DNL noise levels of 69 to 70 dBA at a distance of 40 feet from the centerline of the roadway. The residential buildings proposed on Stockton Avenue would, therefore, be exposed to noise levels above 60 dBA. DNL noise levels (due to intermittent traffic along Morrison Avenue, distant traffic along West Julian Street, distant trains, and aircraft) were measured at 65 dBA at a distance of 60 feet from the centerline of West Julian Street at Morrison Avenue. The residential buildings proposed on Morrison Avenue and West Julian Street would therefore be exposed to noise levels above 60 dBA. Exterior noise levels above 60 dBA could preclude achieving interior noise levels of 45 dBA or less. The DNL noise level on Morrison Avenue near Cinnabar Street was calculated at 58 dBA. With an exterior noise level of 60 dBA or less, interior noise levels of 45 dBA can be achieved with standard construction techniques.

Impact NOI-1: Implementation of the proposed project would expose future residents on Stockton Avenue, West Julian Street, and a portion of Morrison Avenue to exterior and interior noise levels in excess of acceptable City and state standards for residential development.

Mitigation Measures: The following measures are included in the project to reduce significant long-term noise impacts:

MM NOI 1-1: Project-specific acoustical analyses are required so that the design of the residential unit will be sufficient to adequately reduce interior noise levels to 45 dBA DNL or lower. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation for all new units with direct line to significant transportation noise sources in the project vicinity, so that windows could be kept closed at the occupant's discretion to control noise.

MM NOI 1-2: Special building sound insulation treatments may be required. These treatments would include, but are not limited to, sound rated windows and doors (STC28-30), sound rated wall constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what treatments are necessary would be determined on a unit-by-unit basis. The results of the analysis, conducted during the design phase of the project, including the description of the necessary noise control treatments to achieve acceptable noise levels inside the living units, shall be submitted to the City along with the building plans and approved prior to issuance of a Building permit.

The proposed outdoor open space area would be located behind residential Building 1 (see Figure 3) and between residential Buildings 3 and 4. The buildings will effectively shield the open space area from traffic noise along Stockton Avenue and Cinnabar Street, as well as the interior access road of the project. The sound attenuation that will be provided by the 50 foot tall residential buildings will be sufficient to reduce noise levels in the open space area to an acceptable level.

4.11.2.2 Noise Impacts from the Project

Traffic Related Noise

Implementation of the proposed project would not substantially increase traffic noise levels in the project area. Typically, in high noise environments in San José, if the project would cause ambient noise levels to increase by more than 3 dBA at noise-sensitive receptors, the impact is considered significant. For a perceptible increase (3 dBA) in ambient noise level, traffic trips need to double in

the project area. Based on traffic projections presented in the transportation impact analysis (see Section 4.15), traffic generated by the proposed project would result in a noise level increase of one decibel in the project area. Since the proposed project will not increase noise levels in the project area by more that one decibel, it will have a less than significant long-term noise impact on the adjacent neighborhood.

Construction Related Noise

Construction activities would require the use of heavy equipment during demolition, grading, and construction that would temporarily increase noise levels in the project area. Typical hourly average construction-generated noise levels are about 75 to 80 decibels measured at a distance of 100 feet during busy construction periods. These noise levels drop off at a rate of approximately six decibels per doubling of distance between the noise source and the receptor.

The project site is bordered by residential land uses to the north, south, and west. Four single-family homes are adjacent to the site on Cinnabar Street. Existing ambient noise levels at these adjacent residences are approximately 58 dBA. Construction-related noise levels at adjacent residences would intermittently exceed 65 decibels and existing ambient levels would increase by more that 5 dBA when construction occurs on the site. Therefore, noise generating activities associated with demolition and construction at the project site would temporarily elevate noise levels in the area surrounding the project site.

Standard Measures: The project shall implement the following standard measures:

- Noise-generating activities at the construction site or in areas adjacent to the construction site associated with the project in any way should be restricted to the hours of 7:00 AM and 7:00 PM, Monday through Friday, and 8:00 AM to 5:00 PM on Saturdays. No construction activities should occur Sundays or holidays.

- Equip all internal combustion engine driven equipment with intake and exhaust mufflers which are in good condition and appropriate for the equipment.

- Locate stationary noise generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.

- Utilize “quiet” air compressors and other stationary noise sources where technology exists.

- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance.

- Designate a “disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

4.11.2.3 Vibration Impacts

Railroad trains are a source of groundborne vibration when receivers are located close to the tracks (within approximately 100 feet). The Union Pacific Railroad tracks are located more than 400 feet east of the nearest residential units proposed on the site. Groundborne vibration generated by railroad trains will not exceed acceptable levels at the project site.

4.11.3 Conclusion

Implementation of the proposed mitigation measures will reduce noise impacts and temporary construction noise impacts associated with the proposed project to a less than significant level. **(Less than Significant Impact with Mitigation)**

4.12 POPULATION AND HOUSING

4.12.1 Setting

According to the Association of Bay Area Governments (ABAG) the City of San José's population for 2000 was 930,700 with 291,400 households. For 2025 the projected population is 1,149,300 and 360,710 households.

The jobs/housing balance is the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. This relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. The jobs/employed resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing.

The City of San José currently has a higher number of jobs than employed residents (1.05 jobs per employed resident) and is projected to continue to have a higher number of jobs than employed residents with full build out under the existing General Plan.

4.12.2 Environmental Checklist and Discussion

POPULATION AND HOUSING						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐	☐	1,2
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,2
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,2

4.12.2.1 Population and Housing Impacts

Development of this site under the proposed project would result in an increase of 250 dwelling units, and a loss of approximately 79 jobs. The increase in housing will slightly increase the residential population of San José above current levels. The increase, however, represents a less than one percent increase (based on the City's current average number of individuals per household) in the total City population and is not considered to be substantial.

The project site is currently developed with industrial and commercial land uses. Implementation of the proposed project will not displace any houses or persons and will not require replacement housing to be constructed.

Implementation of the proposed project will have a less than significant impact on population and housing in San José.

4.12.3 Conclusion

Implementation of the proposed project will have a less than significant impact on population and housing. **(Less Than Significant)**

4.13 PUBLIC SERVICES

4.13.1 Setting

4.13.1.1 Fire Service

Fire protection services for the project site are provided by the San José Fire Department (SJFD), which serves a population of 920,000 and an area of 205 square miles. The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the project area.

The closest fire station is San José Fire Station No. 7, located at 800 Emory Street, approximately 0.9 mile northwest of the project site. In 2004-05, this station responded to 1,054 calls including 815 medical, 60 fire, and 179 other emergencies[12]. The emergency response time goal of the SJFD is 4 minutes for all calls.

4.13.1.2 Police Service

Police protection services are provided to the project site by the City of San José Police Department (SJPD). Officers patrolling the project area are dispatched from police headquarters, located at 201 West Mission Street.

The City has four patrol divisions, which are divided into 16 patrol districts, and further divided into 83 beats or 357 beat building blocks (BBB)[13]. The project site is located in BBB 148. In 2006, the most frequent calls for service in the area were for disturbance, alarms, parking violations, and welfare checks[14]. The response time goals for the SJPD is six minutes or less for 60 percent of all Priority 1 calls, and eleven minutes or less for 60 percent of all Priority 2 calls.

4.13.1.3 Schools

The project site is located within the San José Unified School District. The nearest elementary school is Trace Elementary School, located at 651 Dana Avenue (approximately 1.5 miles west of the project site). The nearest middle school is Herbert Hoover Middle School, located at 1635 Park Avenue (approximately 1 mile west of the project site). The nearest high school is Lincoln High School, located at 555 Dana Avenue (approximately 1.1 miles southwest of the project site).

4.13.1.4 Parks

The project site is located in Council District 6, which has 18 neighborhood parks. The nearest park is Cahill Park, located approximately 0.5 mile south of the project site, on West San Fernando Street and Wilson Street. Council District 6 has a total of 144.2 acres of parkland, 5.7 acres of which are designated Regional parkland.

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[12] City of San José Fire Department. SJFD Response by Station Fiscal Year 2004-2005. http://www.sjfd.org/Stats/0405Station.htm

[13] City of San José Police Department. Public CADmine FAQ's. City of San José. 2006. http://www.sjpd.org/PoliceDataFAQ.cfm

[14] Corona Solutions. BBB 148 12-Month Call Profile for San José, CA Police Department. 1 January 2007. http://public.coronasolutions.com/

4.13.1.5 Libraries

The City's service goal recommends that 10,000 square feet of library space be provided per 36,000 residents, 18.3 weekly service hours per 10,000 residents, and 2.82 books per capita. The Downtown Strategy Plan concluded that the San José Public Library System falls approximately 460 total hours per week short of the service hour goals and is far below the square footage and book stock requirements. Since the approval of the Downtown Strategy Plan, however, the City of San José has completed construction on a new main library that is jointly operated with San José State University. In addition to the new main library, the Branch Library Bond Measure, approved in November 2000, provided the City with $212 million over ten years for six new and fourteen expanded branch libraries.

The project site is served by the Rose Garden Branch Library, located at 1580 Naglee Avenue (approximately 1.4 miles west of the project site). The Library offers computer and internet classes, book clubs, a community room, children's story times, and volunteer opportunities.

4.13.2 Environmental Checklist and Discussion

PUBLIC SERVICES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project: 1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
Fire Protection?	☐	☐	☒	☐	☐	1,2
Police Protection?	☐	☐	☒	☐	☐	1,2
Schools?	☐	☐	☒	☐	☐	1,2
Parks?	☐	☐	☒	☐	☐	1,2
Other Public Facilities?	☐	☐	☒	☐	☐	1,2

4.13.2.1 Fire Service Impacts

Construction of the proposed 250 residential units may incrementally increase the number of calls for fire service to the project site. The increase in calls would be the result of an increase in the permanent population on the site. The project site is an infill site located within the urbanized area of San José, which is already served by the SJFD. In addition, the project will be constructed in conformance with current fire codes, including adequate emergency vehicle access and features that would reduce potential fire hazards. Therefore, the increase in calls is not expected to generate the need for additional fire department staff or facilities.

4.13.2.2 Police Service Impacts

Construction of the proposed 250 residential units may incrementally increase the number of calls for police service to the project site. The increase in calls would be the result of an increase in the permanent population on the site. The project site is an infill site located within the urbanized area of San José, which is already served by the SJPD. In addition, the final project design will be reviewed by the SJPD to ensure that it incorporates appropriate safety features to minimize criminal activity. Therefore, the increase in calls is not expected to generate the need for additional police department staff or facilities.

4.13.2.3 Schools Impacts

The project site is located within the San José Unified School District. Implementation of the proposed project would increase the local resident population, and, therefore, would increase the demand for local school facilities. Table 11 shows the local schools that students from the proposed project would attend, the school's capacity, and the school's current enrollment.

TABLE 11
Local School Facilities

School	Capacity	2005 Enrollment
Trace Elementary School	840	473
Herbert Hoover Middle School	1218	1148
Lincoln High School	1624	1731

Based on student generation rates for the San José Unified School district, the proposed project would generate approximately 59 students in grades K-12. Specifically, the project would generate 29 students in grades K-5, 14 students in grades 6-8, and 16 high school students (grades 9-12)[15]

The current capacity of Trace Elementary School is well above the 2005 enrollment, and the school would likely be able to accommodate new students generated by the housing development. The current capacity of Herbert Hoover Middle School is slightly more than the 2005 enrollment, and the school would likely be able to accommodate the 14 new middle school students. Lincoln High School, however, exceeded their capacity in 2005.

State law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment f a school impact fee prior to the issuance of a building permit. The school district is responsible for implementing the specific methods for mitigating school effects under the Government Code. The school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would partially offset project-related increases in student enrollment. The proposed project would be required to comply with the school impact fee requirements of the City of San José.

Standard Measure: The project shall implement the following standard measure:

- In accordance with California Government Code Section 65996, the developer will pay a school impact fee to offset increased demands on school facilities caused by the proposed project.

[15] Paoli & Odell, Inc. San José Unified School District Student Generation Rates. 2006. Generation rates are 0.116 for grades K-5, 0.057 for grades 6-8, and 0.065 for grades 9-12.

4.13.2.4 Parks Impacts

The City of San José General Plan requires 3.5 acres of neighborhood and community serving recreational lands per 1,000 population, of which a minimum is 1.5 acres of neighborhood, community or locally serving regional/City-wide parklands and up to two acres of school playgrounds, all of which should be located within a reasonable walking distance of the project.

Council District 6 has a resident population of approximately 86,937 people[16]. Based on the General Plan requirement, Council District 6 should have 304 acres of neighborhood and community serving recreational land. There is currently 144 acres of recreational land in District 6, therefore, District 6 has a recreational land deficiency of approximately 160 acres.

The City has adopted the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) that requires residential developers to dedicate parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. The project proposed for the site will be required to conform to the PDO or PIO. Additionally, the project proposes approximately 83,440 square feet of on-site private and common open space in conformance with the City's Residential Design Guidelines.

Implementation of the proposed project will incrementally increase the use of public recreational facilities in the project area. The project will, however, conform to the City's PDO and PIO by paying the required in-lieu fees[17] (no parkland dedication is proposed) and would not result in significant increases in usage or deterioration of existing or planned park facilities. See Section III.N., *Recreation*, for a more complete discussion.

Standard Measure: The project shall implement the following standard measure:

- The project will conform to the City's Park Impact Ordinance (PIO) and Parkland Ordinance (PDO) (Municipal Code Chapter 19.38).

4.13.2.5 Libraries Impacts

As stated above, the City of San José has completed construction on a new main library that is jointly operated with San José State University. In addition to the new main library, the Branch Library Bond Measure, approved in November 2000, provided the City with $212 million over ten years for six new and fourteen expanded branch libraries. As a result, the City of San José will be able to meet its library requirement and implementation of the proposed project will not impact San José library facilities.

14.13.3 Conclusion

The project would incrementally increase demand for public services in the project area. The project would not result in substantial adverse physical impacts associated with the need for new facilities in order to maintain acceptable levels of service or performance objectives for public services. **(Less Than Significant)**

[16] U.S. Census Bureau, Census 2000. San José City Council District 6.
[17] The City of San José will use the in-lieu fees from this development project to acquire parkland or improve existing parkland in the project area.

4.14 RECREATION

4.14.1 Setting

The City of San José currently manages 3,500 acres of regional and neighborhood parkland. The City provides developed parklands, open space, and community facilities to serve its residents. Some of these facilities are supplemented by other public uses such as public school playgrounds and fields, county parks, and trail facilities on Santa Clara Valley Water District lands. Park and recreation facilities vary in size, use, type of service, and provide for neighborhood, citywide, and regional uses. The City Departments of Parks, Recreation and Neighborhood Services, General Services and Public Works are responsible for the design, construction, operation, and maintenance of all City parks and recreational facilities.

The City's General Plan has established level of service benchmarks for parks and community centers. The City has a service goal of 3.5 acres of neighborhood and community serving parkland per 1,000 residents. A minimum of 1.5 acres of the parkland should be City-owned and the remaining acreage could be school playground/fields, all of which should be located within three-quarters of a mile walking distance of each residence. In addition, the City seeks to provide 7.5 acres of regionally serving parkland and 500 square feet of community center space per 1,000 residents.

The project site is located in Council District 6, which has 18 neighborhood parks, trail systems, and several community centers totaling more than 144 acres. Based on the 2000 Census, District 6 has a total population of 86,937 persons which requires 304 acres of parkland. Therefore, Council District 6 requires approximately 160 acres of additional parkland to meet the City's goal of 3.5 acres of parkland per 1,000 residents.

4.14.2 Environmental Checklist and Discussion

RECREATION						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐	☐	1,2
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐	☐	1,2

4.14.2.1 Recreation Impacts

The proposed project includes 25,000 square foot area of common open space near the center of the site for future residents, which will consist of a 1,950 square foot common room, a tot lot, and a pool.

In addition, the proposed project includes a total of 58,440 square feet of private yards, patios, and private rooftop terraces. It can be reasonably assumed, however, that future residents of the proposed project would also use recreational facilities in the area. The proposed project will result in an incremental increase in usage of existing parks in District 6, but the use will not cause a substantial deterioration of existing recreation facilities to occur or be accelerated.

Standard Measure: The proposed project will be subject to the City's Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO). The City of San José has adopted the PDO (Chapter 19.38) and PIO requiring residential developers to dedicate parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO. The acreage of parkland required is based on the Acreage Dedication Formula outlined in the Parkland Dedication Ordinance[18]. The proposed project will conform to the PDO/PIO by paying the required in-lieu fees[19] (no parkland dedication is proposed)

4.14.3 Conclusion

Implementation of the proposed project will result in the development of up to 250 new residential units, which would incrementally increase the demand for recreational and park services in the area. This increase, however, would be offset through compliance with the City's PDO/PIO and result in a less than significant impact. **(Less Than Significant)**

[18] Minimum Acreage Dedication = (0.003 acres) x (number of dwelling units) x (average persons per household).
[19] The City of San José will use the in-lieu fees from this development project to acquire parkland or improve existing parkland in the project area.

4.15 TRANSPORTATION

The following discussion is based on a traffic study prepared by *Hexagon Transportation Consultants* in October 2006. A copy of the report is located in Appendix G of this document.

4.15.1 Setting

4.15.1.1 Existing Roadway Network

Regional access to the area is provided by I-280, SR 87 and I-880. These roadway facilities are described below.

I-280 extends from US 101 in San Jose to I-80 in San Francisco. I-280 is an east-west, eight-lane freeway in the vicinity of downtown San Jose. The section of I-280 just north of the Bascom Avenue over-crossing has six mixed-flow lanes and two high-occupancy-vehicle (HOV) lanes. Access to the project site to and from I-280 is provided via Meridian Avenue and Race Street. Site access from I-280 also is available via its interchange with SR 87.

SR 87 is a four-lane north-south freeway that begins at its interchange with SR 85 and extends northward, ending at its junction with US 101. Access to the site is provided via freeway ramps at Julian Street.

I-880 is a north-south freeway providing regional access from East Bay cities to San José. In San José, I-880 becomes SR 17 and extends into Santa Cruz. In the project area, I-880 primarily is six-lane freeway. Access to the project site from I-880 is provided via an interchange at The Alameda. Site access to and from I-880/SR 17 also is available via its interchange with I-280.

Local access to the project site is provided by the roadways described below.

The Alameda is a four-lane arterial that extends from Santa Clara University in the north to the downtown San Jose area where it runs east to west, becoming Santa Clara Street east of Autumn Street. Santa Clara Street is a four-lane arterial street that provides direct access to downtown San Jose. The Alameda provides access to the project site via Stockton Avenue.

Stockton Avenue is a north-south roadway that runs between The Alameda in San José to Newhall Street in Santa Clara. In the vicinity of the project site, Stockton Avenue is a two-lane street with a two-way center left-turn lane and provides direct access to the project site.

Julian Street is an east-west arterial that traverses the north edge of San Jose's downtown core area. It provides access to the project area via an interchange with SR87. East of SR 87 Julian Street is a two-lane one-way street (westbound). West of SR87, Julian Street is a two-lane, two-way street that provides direct access to the project site.

Race Street is a two-lane roadway extending from The Alameda to just south of I-280, where it becomes Cherry Avenue. Race Street has a partial interchange (northbound off-ramp) with I-280.

Meridian Avenue is a north-south four-lane major arterial extending from Park Avenue south to Almaden Valley. Meridian Avenue has a partial interchange with I-280.

4.15.1.2 Existing Pedestrian and Bicycle Facilities

The Guadalupe River Park multi-use trail system is currently under construction and will provide a paved Class I Bikeway (that will be shared with pedestrians) that will be separated from automobile traffic. The park trail system will be approximately 2.6 miles long along the banks of the Guadalupe River from I-280 to I-880. The park trail system will be located approximately 1,500 feet east of the project site, with access provided via The Alameda.

There are no Class II county-designated bike lanes in the project area. City-designated bike routes are located on The Alameda, Montgomery Street and Autumn Street.

According to the City of San José Transportation Bicycle Network (TBN) map, bike facilities (striped bike lanes) are planned along the following roadways in the future:

- Race Street, between Fruitdale Avenue and The Alameda
- San Carlos Street, between Fourth Street and Winchester Boulevard
- Park Avenue, between Market Street and Race Street

The existing and planned bicycle facilities in the study area are shown on Figure 10.

Other pedestrian facilities in the project area consist of sidewalks along most of the surrounding streets. Crosswalks with pedestrian signals are located at all of the signalized intersections in the project area. The existing sidewalks in the project area have adequate connectivity and provide pedestrians with safe routes to all of the surrounding land uses in the area.

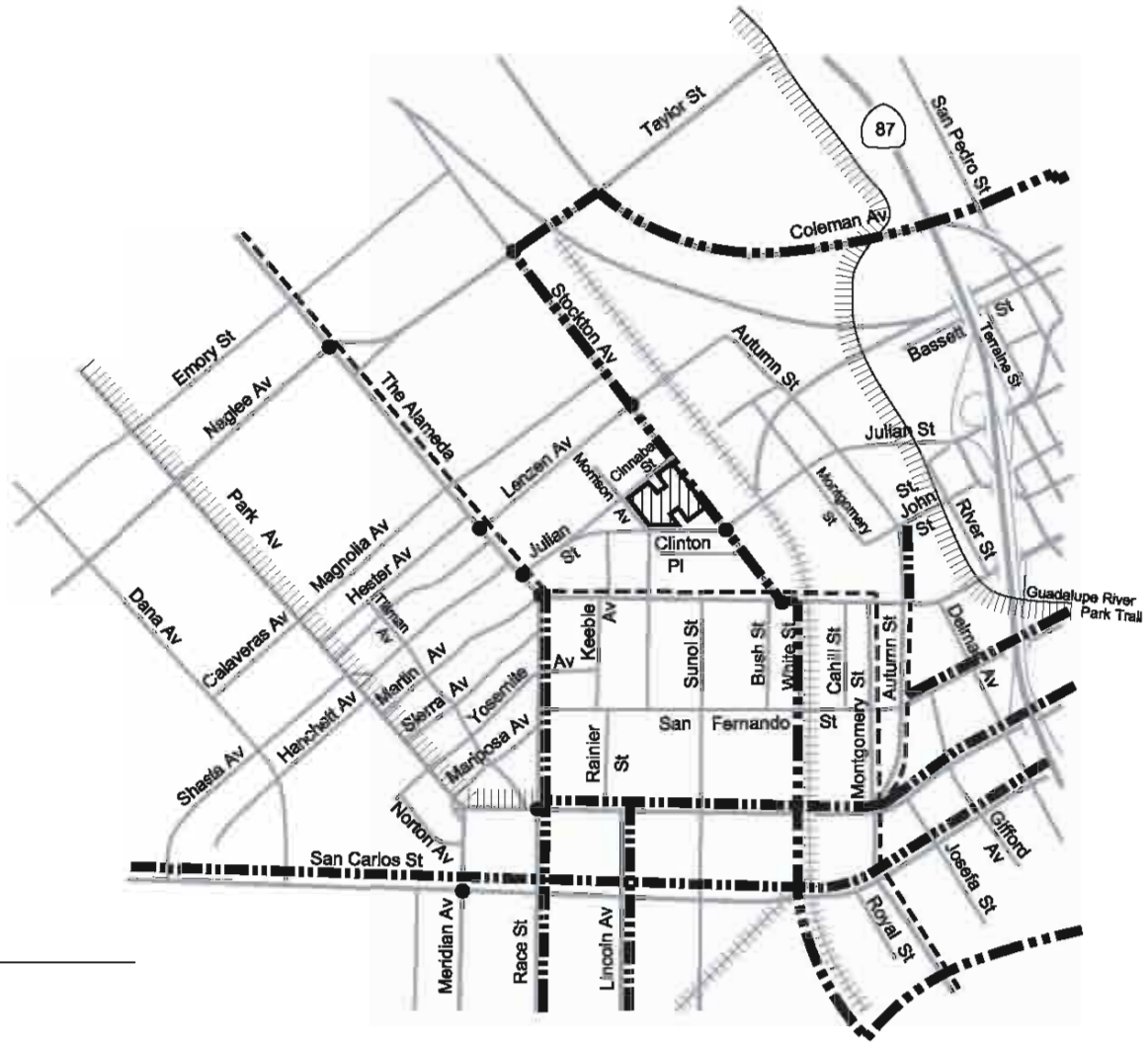
4.15.1.3 Existing Transit Service

Existing transit service in the project area is provided by the VTA, Caltrain, Altamont Commuter Express (ACE), and Amtrak. The transit services are described below and shown on Figure 11.

VTA Bus Service

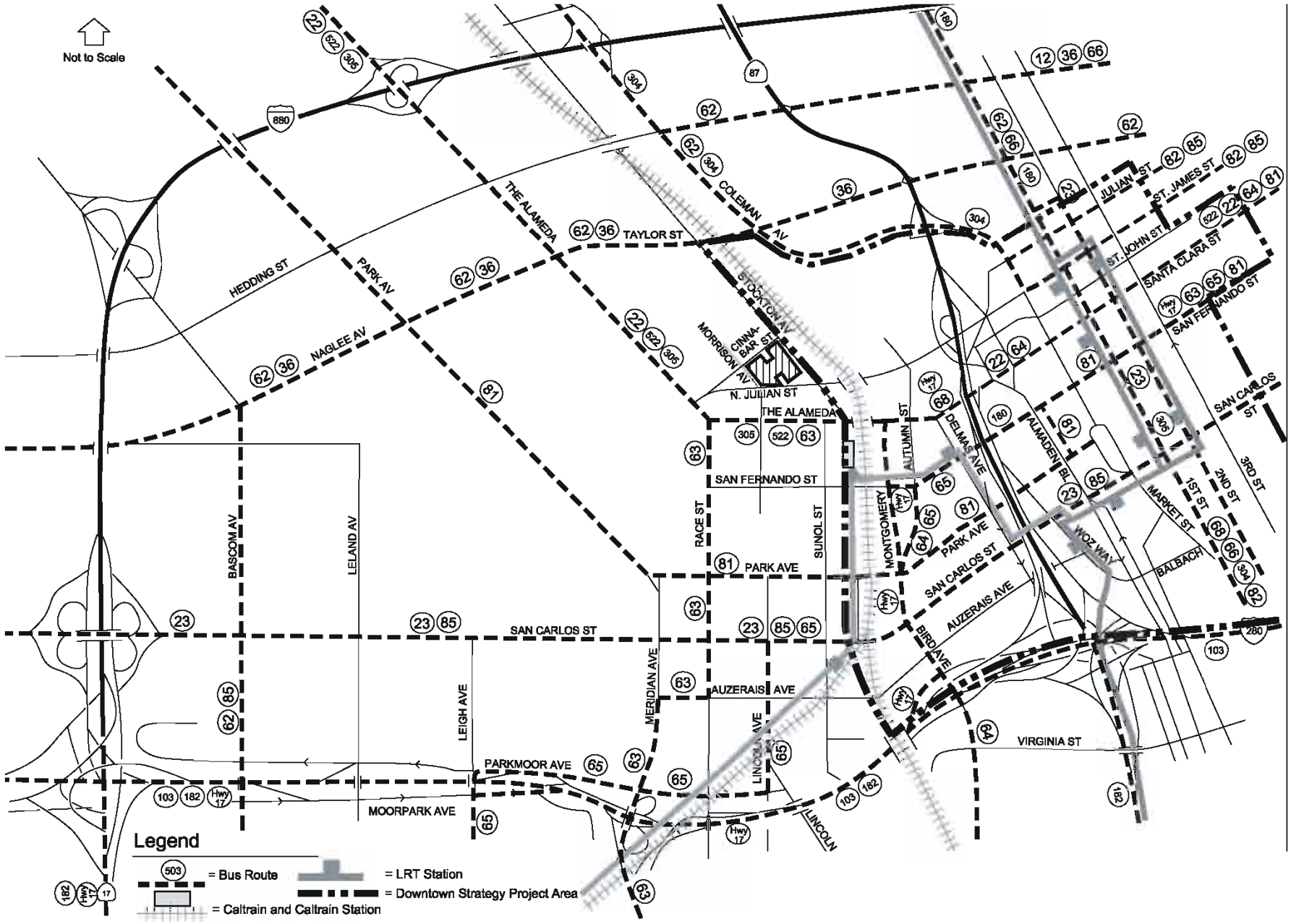
The downtown area is served by several local buses. The bus lines that operate within the project area are listed in Table 12, including their terminus points and commute hour headways.

The VTA also provides a shuttle service within the project area. The downtown area shuttle (DASH) provides shuttle service from the San José Diridon Caltrain station to the Paseo De San Antonio and Convention Center LRT stations via San Fernando Street and West San Carlos Street. The project site is located within walking distance of the San Jose Diridon station.



EXISTING AND PLANNED BICYCLE FACILITIES

FIGURE 10



EXISTING AND PLANNED TRANSIT FACILITIES

FIGURE 11

TABLE 12 VTA Bus Service in the Project Area		
Route	**Route Description**	**Headway (min)**
22 (local)	Eastridge to Palo Alto/Menlo Park Caltrain Station	10-20
23 (local)	Downtown SJ to San Antonio Shopping Center and Foothill College	15-30
36 (local)	Penitencia Creek Transit Center to Vallco Fashion Park	30-60
63 (local)	San José State University to Almaden Valley	30
64 (local)	Almaden LRT station to Penitencia Creek Transit Center	30
65 (local)	Almaden LRT station to San José State University	30-40
66 (local)	Santa Teresa Hospital to Milpitas/Dixon Landing Road	15-30
68 (local)	San José Diridon Station to Gilroy/Gavilan College	15
81 (local)	Vallco Fashion Park to McKee Road/Capitol	15-30
85 (local)	Lawrence Expressway/Moorpark to 10th Street/Hedding Street	30
103 (express)	Eastridge Transit Center to the Palo Alto Transit Center	60
180 (express)	San José Diridon Station to Fremont BART Station	15-30
182 (express)	IBM/Baily Road to Palo Alto	30-40
304 (limited stop)	South San José to Downtown Mountain View	30
305 (limited stop)	South San José to Downtown Mountain View	60
522 (rapid)	Eastridge Transit Center to the Palo Alto Transit Center	15
Hwy 17 Express	Downtown San José to Scotts Valley	15-60

VTA Light Rail Transit (LRT) Service

The Santa Clara Valley Transportation Authority (VTA) currently operates a 30.5-mile light rail line system extending from south San José through the downtown to the northern areas of San José, Santa Clara, Mountain View and Sunnyvale. The service operates 24-hours a day with 15-minute headways during most of the day.

The Vasona LRT line operates south of the project site and provides service from downtown San José south to Winchester Boulevard in Campbell. The LRT line also provides service from downtown San Jose north to Mountain View. The San José Diridon LRT station is located approximately one-quarter mile from the project site.

Commuter Rail Service

At the San José Diridon Station, Caltrain provides passenger train service between San José and San Francisco seven days a week. Trains stop frequently at the San José Diridon Station between 4:30 AM and 10:30 PM in the northbound direction, and between 6:30AM and 1:30 AM in the southbound direction. Caltrain provides extended service to Morgan Hill and Gilroy during commute hours.

The Altamont Commuter Express (ACE) provides commuter passenger train service across the Altamont Pass between Stockton and San José during the weekdays. ACE stops at the San José Diridon station three times during the morning commute hours in the westbound direction and three times during the evening commute hours in the eastbound direction.

Amtrak provides commuter passenger train service along the Capitol Corridor to 16 stations in eight northern California counties: Placer, Sacramento, Yolo, Solano, Contra Costa, Alameda, San Francisco, and Santa Clara. Amtrak stops at the San José Diridon station two times during both the morning and evening commute hours in the westbound direction. In the eastbound direction, Amtrak stops at the Diridon station two times during the morning commute hours and four times during the evening commute hours.

4.15.1.4 Methodology

The impacts of the proposed development were evaluated following the methodologies established by the City of San José and the Santa Clara Valley Transportation Authority (VTA). The VTA oversees the County Congestion Management Program (CMP).

Traffic conditions were evaluated for existing conditions, background conditions[20], and project conditions[21] to determine if the level of service (LOS) of the intersections and freeway segments in the project area would be adversely affected by the proposed project. The traffic study analyzed AM and PM Peak Hour traffic conditions for ten signalized intersections and 13 freeway segments (shown in Figure 12) in the vicinity of the project site. The study intersections are:

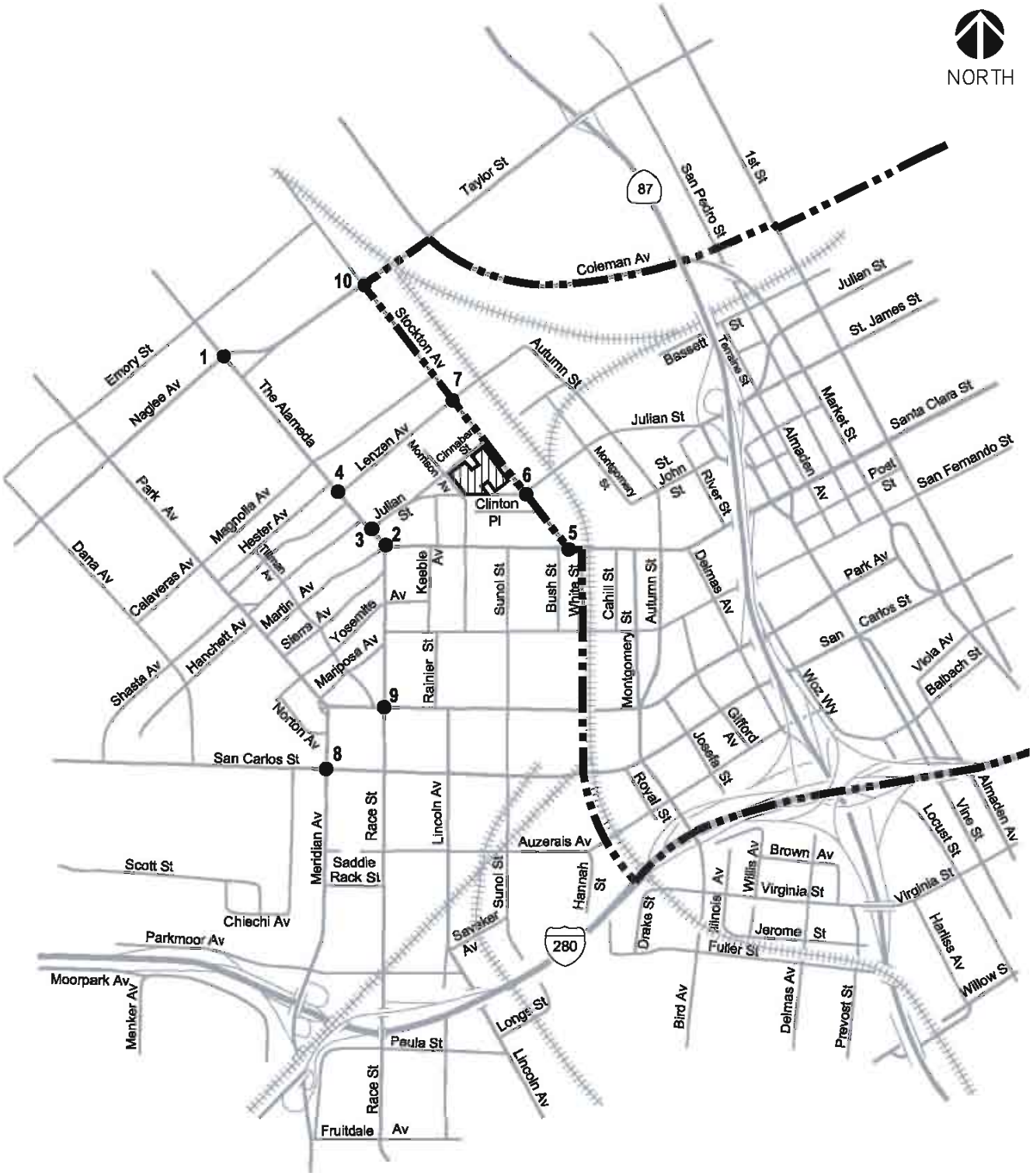
- The Alameda and Naglee Avenue (CMP Intersection)
- The Alameda and Race Steet (CMP Intersection)
- The Alameda and Julian Street
- The Alameda and Lenzen Avenue
- The Alameda and Stockton Avenue*
- Stockton Avenue and Julian Street*
- Lenzen Avenue and Stockton Avenue*
- Meridian Avenue and San Carlos Street
- Park Avenue and Race Street
- Stockton Avenue and Taylor Street*

Intersections designated with an asterisk (*) are located within the downtown core area and are exempt from the City's LOS analysis and traffic mitigation requirements. Although the study intersections of The Alameda/Stockton Avenue, Julian Street/Stockton Avenue, Lenzen Avenue/Stockton Avenue and Taylor Street/Stockton Avenue are located within the downtown core, these exempt intersections were studied since the project site is located on Stockton Avenue. No other exempt intersections were studied.

The CMP's requirements regarding the need to study freeway segments for the proposed project were also evaluated. According to CMP guidelines, a freeway segment should be studied when a proposed development would add traffic to a freeway segment greater than one percent of its capacity. Based on the evaluation, the study of freeway segments is not required for this analysis.

LOS is a qualitative description of operating conditions ranging from LOS A (free flowing conditions) to LOS F (excessive delays). The definitions of LOS for signalized intersections are summarized in Table 13.

[20] Background conditions are the existing traffic plus the assumed traffic of approved but not yet completed development projects.
[21] Project conditions are the projected peak hour traffic volumes of the proposed project plus the background conditions.



LEGEND

= Site Location

= Study Intersection

= Downtown Strategy Project Area

STUDY INTERSECTIONS FIGURE 12

TABLE 13 Signalized Intersection Level of Service Definitions		
LOS	**Average Stopped Delay[22]**	**Description**
A	10.0 or less	Free flow; minimal to no delay
B+ B B-	10.1 to 12.0 12.0 to 18.0 18.0 to 20.0	Stable flow but speeds are beginning to be restricted by traffic conditions; slight delays.
C+ C C-	20.1 to 23.0 23.0 to 32.0 32.0 to 35.0	Stable flow but most drivers cannot select their own speeds and feel somewhat restricted; acceptable delays.
D+ D D-	35.1 to 39.0 39.0 to 51.0 51.0 to 55.0	Approaching unstable flow and drivers have difficulty maneuvering; tolerable delays.
E+ E E-	55.1 to 60.0 60.0 to 75.0 75.0 to 80.0	Unstable flow with stop and go; delays.
F	80.1 or more	Total breakdown; congested conditions with excessive delays.

Based on the City of San José's policies, an acceptable operating level of service is defined as LOS D or better at all signalized intersections and CMP intersections.

4.15.1.5 Existing LOS of Signalized Intersections

The LOS of 10 signalized intersections were measured for this analysis. Under existing conditions, all 10 signalized study intersections currently operate at an acceptable LOS D or better. The results of the analysis are summarized in Table 14 below.

TABLE 14 Existing LOS for Signalized Intersections					
No.	**Intersection**	**AM Peak**		**PM Peak**	
		Avg. Delay	**LOS**	**Avg. Delay**	**LOS**
1	The Alameda and Naglee Avenue (CMP)	42.6	D	35.7	D
2	The Alameda and Race Street (CMP)	34.1	C	29.9	C
3	The Alameda and Julian Street	13.9	B	15.2	B
4	The Alameda and Lenzen Avenue	11.2	B	12.0	B
5	The Alameda and Stockton Avenue	27.2	C	16.4	B
6	Stockton Avenue and Julian Street	24.9	C	24.7	C
7	Stockton Avenue and Lenzen Avenue	13.7	B	13.8	B
8	Meridian Avenue and San Carlos Street	34.9	C	38.6	D
9	Park Avenue and Race Street	12.1	B	12.1	B
10	Stockton Avenue and Taylor Street	21.7	C	17.8	B

[22] Measured in seconds per vehicle.

4.15.1.6 Background Conditions of Signalized Intersections

Background conditions are the existing traffic conditions plus the assumed traffic of approved but not yet completed development projects. The added traffic from approved, but not yet constructed projects was provided by the City in the form of the Approved Trips Inventory (ATI), as described in Appendix G. The LOS of the 10 signalized intersections discussed above were measured to determine their background LOS. Under background conditions all of the signalized study intersections would operate at an acceptable LOS D or better. The results of the analysis are summarized in Table 15 below.

TABLE 15
Background LOS for Signalized Intersections

No.	Intersection	AM Peak		PM Peak	
		Avg. Delay	LOS	Avg. Delay	LOS
1	The Alameda and Naglee Avenue (CMP)	43.3	D	39.4	D
2	The Alameda and Race Street (CMP)	35.2	D	32.0	C
3	The Alameda and Julian Street	13.8	B	15.4	B
4	The Alameda and Lenzen Avenue	11.6	B	12.5	B
5	The Alameda and Stockton Avenue	30.0	C	21.2	C
6	Stockton Avenue and Julian Street	25.4	C	25.2	C
7	Stockton Avenue and Lenzen Avenue	13.8	B	14.0	B
8	Meridian Avenue and San Carlos Street	35.1	D	42.5	D
9	Park Avenue and Race Street	12.3	B	12.2	B
10	Stockton Avenue and Taylor Street	20.8	C	17.2	B

4.15.2 Environmental Checklist and Discussion

TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	☐	☐	☒	☐	☐	1,2,14
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	☐	1,2,14
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☒	☐	☐	1,2,14

TRANSPORTATION/TRAFFIC						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐	☐	1,2,14
5) Result in inadequate emergency access?	☐	☐	☒	☐	☐	1,2,14
6) Result in inadequate parking capacity?	☐	☐	☒	☐	☐	1,2,14
7) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☒	☐	☐	1,2,14

4.15.2.1 Transportation Impacts

Project Trip Generation

The current light industrial/commercial land uses on the site generate approximately 28 AM Peak Hour Trips and 13 PM Peak Hour trips. The proposed residential development is estimated to generate 1,860 gross daily traffic trips with approximately 186 AM and 186 PM Peak Hour trips, a net increase of 158 AM trips and 173 PM trips. A summary of the project trip generation estimates is shown in Table 16, below.

TABLE 16
Project Trip Generation Estimates

Land Use	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Current Land Use	16	12	28	7	6	13
Proposed Land Use	65	121	186	121	65	186
Net New Trips	49	109	158	114	59	173

Intersection LOS Analysis

The analysis determined that with the addition of project traffic (measured against the City of San José and CMP level of service standards, all of the signalized study would operate at an acceptable LOS D or better. The results of the analysis are summarized in Table 17 below.

TABLE 17 LOS for Signalized Intersections Under Project Conditions						
No.	**Intersection**	**Peak Hour**	**Background**		**Project**	
			Avg. Delay	**LOS**	**Avg. Delay**	**LOS**
1	The Alameda and Naglee Avenue (CMP)	AM	43.3	D	43.3	D
		PM	93.4	D	39.7	D
2	The Alameda and Race Street (CMP)	AM	35.2	D	35.4	D
		PM	32.0	C	32.6	C
3	The Alameda and Julian Street	AM	13.8	B	15.2	B
		PM	15.4	B	16.3	B
4	The Alameda and Lenzen Avenue	AM	11.6	B	11.6	B
		PM	12.5	B	12.5	B
5	The Alameda and Stockton Avenue	AM	30.0	C	30.1	C
		PM	21.2	C	21.2	C
6	Stockton Avenue and Julian Street	AM	25.4	C	26.4	C
		PM	25.2	C	25.7	C
7	Stockton Avenue and Lenzen Avenue	AM	13.8	B	13.6	B
		PM	14.0	B	13.7	B
8	Meridian Avenue and San Carlos Street	AM	35.1	D	35.1	D
		PM	42.5	D	42.7	D
9	Park Avenue and Race Street	AM	12.3	B	12.3	B
		PM	12.2	B	12.3	B
10	Stockton Avenue and Taylor Street	AM	20.8	C	21.0	C
		PM	17.2	B	17.3	B

Site Access

Site access was evaluated to determine the adequacy of the project site's driveways with regard to the traffic volume, vehicle queues, geometric design, corner sight distance, and truck access. As proposed, the project site would have at-grade parking project site would have at-grade parking along the drive aisles and two below-grade garages. Access to the site and the parking would be provided via two ingress/egress driveways. Driveway one would be located on Stockton Avenue and Driveway two would be located on Julian Street. The Institute of Transportation Engineers' (ITE) standard for driveway width is 24 feet and the standard for driveway spacing is 12 feet. As proposed, the project complies with both of these standards.

Parking

The City of San José parking code requirements are as follows:

- One-bedroom – 1.5 parking spaces per unit
- Two-bedroom – 1.8 parking spaces per unit
- Three-bedroom – 2.0 parking spaces per unit
- Four-bedroom – 2.75 parking spaces per unit

Based on these parking requirements, the project would need to provide 460 residential parking spaces. The project is also required to provide guest parking (outside of any secured parking areas) equal to 10 percent of the residential parking requirement. An additional 46 spaces are required for guest parking. The project proposes a total of 383 parking spaces on the project site. Of the 383

parking spaces, 258 will be located in two single-level garages that will be partially below grade. Fifteen of the 258 parking spaces will be tandem. The 32 four-bedroom units will have private two-car garages (for a total of 64 parking spaces). The remaining 61 parking spaces will be surface parking spaces throughout the site. The proposed project is under parked by more than 100 parking spaces (tandem parking spaces are not counted as a full parking space) and does not meet the City's parking requirement.

While the project does not meet the City's parking requirement, the parking requirements listed in the Residential Design Guidelines are the Citywide starting point to evaluate parking proposed with a Planned Development Zoning. The Planned Development Zoning process does allow for reduced parking requirements based on a specific site location and project design. The proposed parking plan reflects the project site's proximity to transit, downtown employment centers, and The Alameda Neighborhood Business District, which supports reduced parking on-site. Lack of parking, however, is not an environmental impact but an operational impact of the project.

4.15.3 Conclusion

Implementation of the proposed project would have a less than significant transportation impact. **(Less Than Significant)**

4.16 UTILITIES AND SERVICE SYSTEMS

4.16.1 Setting

4.16.1.1 Water Service

Water service to the site is supplied by the San José Water Company. The current light industrial land uses on the project site use approximately 4,834 gallons per day of water.[23]

4.16.1.2 Sanitary Sewer/Wastewater Treatment

Sanitary sewer lines in the area are owned and maintained by the City of San José. There is a 10-inch sewer line in Cinnabar Street, an 8-inch line in Stockton Avenue, and 6-inch lines in both Julian Street and Morrison Avenue. The current land uses on the project site generate approximately 4,834 gallons per day of wastewater. [24]

4.16.1.3 Storm Drainage System

Storm drainage lines in the area are also provided and maintained by the City of San José. There is a 18-inch storm drain line in Stockton Avenue. Currently, the project site is 94 percent impervious.

4.16.1.4 Solid Waste

Collection service to non-residential properties is provided by a number of non-exclusive service providers and non-residential waste may be disposed at any of four privately owned landfills in San José. Currently, the project site generates approximately 1,823 pounds of solid waste per week.[25]

4.16.2 Environmental Checklist and Discussion

UTILITIES AND SERVICE SYSTEMS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	☐	1,2
2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐	1,2

[23] Oberg, John. City of San José. "Re: water lines." E-mail to David J. Powers and Associates, Inc. 4 February 2004.
[24] The sewage generation rate for the existing was estimated at 100 percent of the total water usage because the site is not irrigated. The proposed land use was estimated at 85 percent of the total water usage to account for irrigation.
[25] California Integrated Waste Management Board. Estimated Solid Waste Generation Rates for Industrial Establishments. 5 January 2004. CIWMB. 15 July 2004.

UTILITIES AND SERVICE SYSTEMS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐	1,2
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	☐	1,2
5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	☐	1,2
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	☐	1,2
7) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐	☐	1,2

4.16.2.1 Water Service Impacts

The existing light industrial land uses use approximately 4,834 gallons of water per day. Implementation of the proposed project would result in the use of up to approximately 34,000 gallons of water per day.[26] As a result, the proposed project would increase the demands upon water supply (by approximately 29,166 gallons per day) compared to the current land use, but would be not exceed capacity of the water supplier or the water supply lines.

4.16.2.2 Sanitary Sewer/Wastewater Treatment Impacts

The existing use on the project site generates approximately 4,834 gallons of sewage a day. The proposed project would generate up to approximately 28,900 gallons of sewage a day, an increase of approximately 24,066 gallons compared to the current light industrial development. As a result, the proposed project would increase the demands upon sanitary sewer system compared to the current land use, but would be not exceed the capacity of the wastewater lines that serve the project site or the wastewater treatment plant.

[26] Oberg, John. City of San José. "Re: water lines." E-mail to David J. Powers and Associates, Inc. 4 February 2004.

4.16.2.3 Storm Drainage System Impacts

Implementation of the proposed project would result in a mix of paved and landscaped surfaces. Under existing conditions, approximately 94 percent of the project site is impervious. The proposed project will result in approximately 148,010 square feet of the project site being covered in impervious surfaces, a decrease of 19 percent. The site will be served by an 18-inch storm drainage line in Stockton Avenue. The existing storm drainage system has sufficient capacity to support the current land use. Because the project will result in a net decrease in stormwater runoff, the system will have sufficient capacity to accommodate the proposed project. Therefore, the proposed project will have a less than significant impact on the capacity of the local storm drainage system.

4.16.2.4 Solid Waste Impacts

The existing use on the project site generates approximately 1,823 pounds of solid waste a week. The proposed project site would generate approximately 7,775 pounds of solid waste a week[27]. Therefore, implementation of the proposed project would increase the total amount of solid waste generated on the project site by approximately 5,952 pounds per week. The net increase in solid waste generated by the project would represent only a small fraction of the total generated Citywide. The effect of this increase on remaining landfill capacity would be negligible.

4.16.3 Conclusion

The proposed project would not require substantial new utility lines and would not exceed the capacity of existing utility and service systems. **(Less Than Significant)**

[27] Personal Communication. Jeff Anderson, City of San José Environmental Services Department, December 22, 2005.

4.17 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐	☐	1-14
2) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐	☐	1-14
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	☐	1-14

The proposed development would contribute incrementally to traffic, air quality, and noise impacts associated with development in an urban area. Standard measures and mitigation measures have been included in the project to reduce any potential project impacts on the natural and human environment to a less than significant level.

Checklist Sources

1. CEQA Guidelines - Environmental Thresholds (Professional judgment and expertise)
2. City of San José General Plan, 1994
3. U.S. Department of Agriculture, Soils of Santa Clara County, 1968
4. Federal Emergency Management Agency, Flood Insurance Rate Map
5. BAAQMD Air Quality Monitoring Data
6. ABAG Projections, 2007
7. Tree Survey
8. Historic Resources Evaluations
9. Phase I Report
10. Soil and Groundwater Evaluation (July 14, 2006)
11. Soil and Groundwater Evaluation (Oct 10 and Nov. 2, 2006)
12 Hazardous Materials Environmental Summary
13. Noise Assessment
14. Traffic Report
15. Hazardous Materials User Survey

SECTION 5 REFERENCES

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Bay Area Air Quality Management District, CEQA Guidelines, Assessing the Air Quality Impacts of Projects and Plans, December 1999.

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Carey & Co., Inc. Morrison Park Historic Resources Evaluation. April, 2007

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Deborah Ellis. Morrison Park Arborist Report. August, 2006.

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U.S. Department of Agriculture, Soil Conservation Service, Soils of Santa Clara County, August 15, 1968.

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